

Republicans are showing yet another way they can't govern. Now we are wasting time on a bill that has no chance of becoming law—no chance. No troops will be helped by a bill that can't be signed into law by the President. Our military needs all the help they can get. They deserve it.

If Republicans want to join us in supporting our troops, they should start taking their responsibility to govern seriously and work with us on a Defense bill that can actually become law to help those in our Armed Forces.

Let's be straight. At the moment, we don't have a budget.

Without the vote of a single Democrat, Republicans approved a non-binding resolution with their own wish list. It means nothing. The budget means nothing. There was a lot of back-slapping here: Oh, it is a great budget; we are going to balance the budget. But everyone knows that is just a farce.

Until both parties join together, the government does not have a budget to actually guide decisionmaking. We need one.

This is not rocket science. After all, budgeting for the Federal Government is not all that different than budgeting for a family. If two spouses are trying to resolve differences over their own budget, would it be responsible for one spouse to go out and buy a new car on credit? We all know the answer to that—no. It is the same here in Washington. Shouldn't we agree on a budget first and spend later? That is not asking too much, I don't believe.

We don't need political theater and meaningless votes on bills that are going nowhere. We don't need another manufactured crisis. We just need to sit down, get real, and fix sequestration in a way that protects both national security and the middle class. They go together.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1735, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1735) to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McCain amendment No. 1463, in the nature of a substitute.

McCain amendment No. 1456 (to amendment No. 1463), to require additional information supporting long-range plans for construction of naval vessels.

Reed amendment No. 1521 (to amendment No. 1463), to limit the availability of amounts authorized to be appropriated for overseas contingency operations pending relief from the spending limits under the Budget Control Act of 2011.

Portman amendment No. 1522 (to amendment No. 1463), to provide additional amounts for procurement and for research, development, test, and evaluation for Stryker Lethality Upgrades, and to provide an offset.

Reed (for Bennet) amendment No. 1540 (to amendment No. 1463), to require the Comptroller General of the United States to brief and submit a report to Congress on the administration and oversight by the Department of Veterans Affairs of contracts for the design and construction of major medical facility projects.

Cornyn amendment No. 1486 (to amendment No. 1463), to require reporting on energy security issues involving Europe and the Russian Federation, and to express the sense of Congress regarding ways the United States could help vulnerable allies and partners with energy security.

Reed (for Shaheen) amendment No. 1494 (to amendment No. 1463), to revise the definition of spouse for purposes of veterans benefits in recognition of new State definitions of spouse.

Tillis amendment No. 1506 (to amendment No. 1463), to provide for the stationing of C-130 H aircraft avionics previously modified by the Avionics Modernization Program (AMP) in support of daily training and contingency requirements for Airborne and Special Operations Forces.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes equally divided in the usual form.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is my understanding that there will be a vote at 10:15 a.m.; is that correct?

The PRESIDING OFFICER. There will be 30 minutes of debate prior to the vote.

Mr. MCCAIN. I thank the Chair.

Mr. President, I just listened to the words of the Senate minority leader concerning his views on an authorization bill—not an appropriations bill, not a funding bill but an authorization bill. I would hope the minority leader and, frankly, my colleague and friend, Senator REID, would pay attention to what is going on in the world today.

I refer to the Washington Post this morning and an article entitled “Deadly fighting tests truce in Ukraine.”

As many of us predicted, Vladimir Putin will continue his aggression and dismemberment of the European nation for the first time in 70 years.

Mr. President, I ask unanimous consent that the article entitled “Deadly fighting tests truce in Ukraine” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 4, 2015]

DEADLY FIGHTING TESTS TRUCE IN UKRAINE

(By Karoun Demirjian)

MOSCOW.—Continued skirmishes between pro-Russian rebels and government forces in eastern Ukraine escalated Wednesday into the first major battle in months, leaving at least 18 dead and further threatening a ten-

uous cease-fire agreement signed in February.

Both sides traded accusations about who had started the fighting in Marinka, a suburb of Donetsk on the government-held side of the cease-fire line. Separatists reported 15 dead, and three Ukrainian soldiers were killed, according to a Facebook post by Yuriy Biryukov, an adviser to Ukrainian President Petro Poroshenko.

“They tried to move forward. The Ukrainian military are repelling all attacks, and the situation is under control,” Col. Andriy Lysenko, a spokesman for Ukraine’s National Security and Defense Council, said at a news conference Wednesday in Kiev. “Marinka and Krasnohorivka are under our control.”

But the head of the separatists’ militia said they were only defending themselves against an assault by the pro-Kiev forces.

“Trying to announce that we are storming Marinka—this is a provocation by Kiev,” said Vladimir Kononov, the militias’ top defense official. “We already are in Marinka.”

Since February, top diplomats from the United States and Europe have participated in several rounds of shuttle diplomacy aimed at settling the conflict and persuading the rebels and the government to fully implement the peace agreement signed in Minsk, Belarus.

Last month, U.S. Secretary of State John F. Kerry and Assistant Secretary of State Victoria Nuland made back-to-back trips to Russia, urging that country’s leaders to use their influence over the separatists in eastern Ukraine to push them to parley with Kiev. Groups from both sides were supposed to conclude an opening round of talks in Ukraine this week to address various points of contention.

Ukrainian Prime Minister Arseniy Yatsenyuk accused Russia on Wednesday of intentionally undermining the peace process and ordering pro-Russian separatists in Ukraine “to start a military operation.”

The surge in violence also comes as Western nations are gearing up for this weekend’s Group of Seven summit in Germany—an assembly of nations from which Russia was ousted when it annexed Crimea last year.

That annexation happened after the upper house of the Russian parliament met in an emergency session to give President Vladimir Putin the authority to send troops abroad.

On Wednesday, the speaker of the upper house told lawmakers that there may be cause to hold a similar emergency session soon but did not give a specific reason for the warning.

Mr. MCCAIN. Perhaps the minority leader and others have missed this article: “Syria likely used chlorine gas in recent bombing raids, rights group says.”

A prominent human rights group accused the Syrian government Wednesday of using toxic chemicals during a recent surge in attacks involving barrel bombs on rebel-held areas in northern Syria.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 4, 2015]

SYRIA LIKELY USED CHLORINE GAS IN RECENT BOMBING RAIDS, RIGHTS GROUP SAYS

(By Hugh Naylor)

BEIRUT.—A prominent human rights group accused the Syrian government Wednesday of using toxic chemicals during a recent

surge in attacks involving barrel bombs on rebel-held areas in northern Syria.

Human Rights Watch said chlorine gas was probably used in at least three bombing raids that targeted Idlib province in April and last month, after the area fell to a powerful new rebel coalition. That coalition and other insurgent groups have recently inflicted heavy losses on the regime of President Bashar al-Assad in the north and east of Syria.

Assad's government has been accused by Western countries of using chemical weapons over the course of the four-year conflict, including an attack involving sarin gas in 2013 that killed hundreds of people in a suburb of the capital.

Regime opponents and activists allege that Assad's forces have punished residents in rebel-controlled areas with barrages of the crude bombs, which are built from oil barrels or gas cylinders and can be filled with toxic chemicals such as chlorine gas. Barrel bombs have been dropped by regime helicopters and airplanes on residential areas, hospitals and markets, killing thousands of civilians, according to human rights groups.

Another group said two barrel bombings on Wednesday killed at least 24 people, including children, in Idlib and rebel-held areas of Aleppo province. The British-based Syrian Observatory for Human Rights said that it expected the death toll to climb from those attacks.

In its Wednesday report, Human Rights Watch said evidence indicates that three attacks in April and May on towns in Idlib involved barrel bombs containing toxic chemicals. The group was unable to confirm the exact toxin used in the attacks, which it said killed two people and affected 127. But it cited chlorine as the likely culprit based on interviews with first responders and doctors, as well as an examination of photographs and videos.

The total number of attacks involving chlorine gas during that time is probably much higher, according to the report, which was released to coincide with the U.N. Security Council's regular monthly meeting on chemical weapons in Syria. Citing evidence provided by doctors in Idlib, the group said 24 suspected chlorine gas attacks were carried out between May 16 and May 19, killing at least nine people and affecting over 500.

"While Security Council members deliberate over next steps at a snail's pace, toxic chemicals are raining down on civilians in Syria," Philippe Boloipon, Human Rights Watch's U.N. and crisis advocacy director, said in a statement.

He said the Security Council should impose sanctions for the attacks.

In 2013, the Syrian government agreed to a deal brokered by the United States and Russia to eliminate its chemical weapons arsenal, forestalling potential U.S. airstrikes. The Syrian government, which denies using chemical weapons, agreed to join the Organization for the Prohibition of Chemical Weapons (OPCW) as part of the agreement.

Last month, reports emerged that OPCW inspectors found traces of sarin and VX nerve agent at a military research site in Syria, raising suspicion that the government had not eliminated its chemical weapons stockpiles.

Mr. MCCAIN. On the front page of the New York Times this morning: "ISIS Making Political Gains, Group Stakes Claim As Protector of Sunnis."

Ideologically unified, the Islamic State is emerging as a social and political movement in many Sunni areas, filling a void in the absence of solid national identity and security. At the same time, it responds brutally to any other Sunni group, militant or civilian, that poses a challenge to its supremacy.

That dual strategy, purporting to represent Sunni interests and attacking any group that vies to play the same role, has allowed it to grow in the face of withering airstrikes.

In the news yesterday:

ISIS has closed off a dam to the north of Ramadi, cutting water supplies to pro-government towns downstream and making it easier for its fighters to attack government forces. ISIS militants are opening only two or three of the dam's 26 gates on the Euphrates River, denying water to numerous cities and using water as a critical weapon to gain more influence and territory.

"Iraq: ISIS fighters close Ramadi dam gates, cut off water to loyalist towns," that was on CNN.

"President Hassan Rouhani stated on Tuesday that," according to Reuters, "The Iranian nation and government will remain at the side of the Syrian nation and government until the end of the road." He also pledged to send reinforcements in backing Bashar al-Assad."

"U.S.: Shiite Fighters in Iraq Are a Necessity, if Unlikely, Ally"

Retired Marine Gen. John Allen, said the militias have an important role to play in liberating Anbar, so long as they "take command from the central authority."

"Embedding U.S. forces can help inject energy into leadership development of new and weaker Iraqi commanders. . . ."

AFP Beirut: "Iraq, Iran fighters deployed to defend Damascus."

Thousands of Iranian and Iraqi forces have been deployed in Syria in past weeks to bolster the defences of Damascus and its surroundings, a Syrian security force told AFP on Wednesday.

Iran's official news agency IRNA quoted elite Revolutionary Guards General Qassem Soleimani as saying "in the coming days the world will be surprised by what we are preparing, in cooperation with Syrian military leaders."

I point out to my colleagues, Qassem Soleimani is the guy who sent the copper-tipped IEDs into Iraq that killed hundreds of marines and soldiers and also was seen prominently in Baghdad and other parts of Iraq leading the Shiite militias.

Some of that is complicated. Some of it is impossible to make up.

Finally, the New York Times article on June 2: "Assad's Forces May Be Aiding New ISIS Surge."

Building on recent gains in Iraq and Syria, Islamic State militants are marching across northern Syria toward Aleppo, Syria's largest city, helped along, their opponents say, by the forces of President Bashar al-Assad.

Finally, "Exclusive: Syrian Rebels Backing Out of U.S. Fight Vs. ISIS."

Syrian rebels are backing out because they are not being protected by the United States of America and being barrel-bombed.

So I will not even go into the crisis in the Far East, where China is now militarizing islands in international waters.

So here we are arguing about the way the authorization for America's defense is funded, and the minority leader just announced they would take a stand be-

cause they don't like the way it is funded. I don't like the way it is funded. But don't those who are in opposition to this have some sense of reality as to what is going on in the world; that if we don't authorize the ability to defend this Nation and its national security interests—which in the words of Henry Kissinger before the Armed Services Committee, "The world has not seen more crises since the end of World War II."

I say, with respect to my good friend Senator REID, haven't you got your priorities skewed? Don't you understand this is an authorization bill? Don't you understand that if you want to fight, fight it on appropriations? Don't you understand—I am sure you do—that this is about the welfare and benefit of the men and women who are serving?

I am as opposed to sequestration as anybody. I have watched the hearings on the Senate Armed Services Committee, where the military leaders have said sequestration is putting the lives of the men and women serving in uniform in greater danger. That should be enough alone, but we are playing the hand we are dealt. That fight should not take place on an authorization bill.

This authorizes reforms of the Pentagon. This authorizes reforms of the retirement system, which is long overdue. It authorizes our ability to acquire the weapons and training which are necessary to defend this Nation. It doesn't fund them. It doesn't fund them; it authorizes them.

After intense hearings, months and months of hearings, debate, work in the Senate Armed Services Committee, we have come up with a product that I am extremely proud of.

I understand my friend from Rhode Island will be proposing an amendment later on to nullify the funding of OCO, which would then, by the way, have the effect of reducing the funding and authorization rather dramatically and cancel many vitally needed programs, equipment, and training for the men and women who are serving in the military. That is fine, but that will be defeated.

Once it is defeated, I hope and pray we will then move forward with the amendment process, which has been absent for the last 2 years—totally absent for the last 2 years—and not—for the first time in 53 years—not pass a Defense authorization bill through the Congress of the United States. For 53 years, through Democratic and Republican majorities, through liberal and conservative, we have authorized. We have authorized because our highest responsibility is the security of this Nation.

I urge all of my colleagues, if we want to have this fight, have it on the appropriations bill, the money bill. This is authorization. For you to distort it in some way and to equate it with a funding mechanism, in my view, is intellectual sophistry.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Rhode Island.

Mr. REED. Mr. President, the Senator from Arizona is correct, every uniformed Chief of service came before us and said the greatest crisis facing the military process was sequestration, the Budget Control Act, and they asked us to change it, and we didn't change it.

If we are going to change it, then we have to make every effort and take every step to make those changes, and that is the point I have tried to raise in this committee—not by eliminating the funds available to the military but by making these funds subject to responsible action with following the request of the defense officials to eliminate sequestration. I think we should do it as soon as possible. If we don't take every opportunity to make that case and every action possible to make that case, then we will be essentially rejecting the advice of our senior military leaders.

Suggesting that this bill is somehow so totally disconnected to the appropriations process is belied by the title of the bill. This is an act to authorize appropriations for the fiscal year 2016 for the military activities for the Department of Defense, for military construction, the defense activities in the Department of Energy. We are directly linked to the appropriations process. In the ideal world, the one that we authorize and would like to see, nothing can be appropriated, no dime can be spent, unless we have authorized it.

What we have done, effectively, in the bill—and I think it is not because it is the chairman's first choice but because it was the only available option given the budget resolution—is that we have taken the overseas contingency account, bolstered it up dramatically, and set a new sort of pathway, which next year, unless we resolve this issue of the Budget Control Act, we will come back again with more money—and the following year.

Also, as has been pointed out, we will have situations where we will find some very strange things happening in our OCO account, because we can't fund legitimate concerns of the government in other areas because of caps. That is essentially what happened in the eighties. That is why we have a significant amount of medical research money in the Department of Defense—not because the Department of Defense does it but because that was the only available option in the eighties and nineties to get money to where we thought we would need it.

I think the other issue here, too, is very implicit in our activity, which is that this bill is aimed at the Department of Defense and the military activities of the Department of Energy. Our national security is much more than that. The chairman read quite accurately reports about activity in the world, but up my way, in Roslindale, MA, there was an alleged terrorist who was confronted by an FBI agent and a

Massachusetts police officer. That is the kind of terrorism a lot of people are concerned about, and if we sequester and cut off funding for the Department of Justice and the FBI and the Customs Service, et cetera, we will see this threat growing. So this is about a broader view, a wider view, and the overall mass security of the United States.

I know we have some votes pending, and I would like to go ahead and allow for my colleague to speak.

Mr. MCCAIN. Mr. President, I ask unanimous consent for 5 additional minutes—the vote was scheduled at a quarter after—an additional 5 minutes in order to allow 3 minutes for the Senator from Colorado and 3 minutes for the other Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. BENNET. I thank the Senator from Arizona for that additional time and for his commitment and the ranking member's commitment to our national security. I deeply appreciate it.

#### AMENDMENT NO. 1540

Mr. President, I would like to talk briefly about amendment 1540, which the Senate will consider shortly. I am here with my colleague Senator GARDNER from Colorado. We are here on this bipartisan amendment to require the Government Accounting Office to audit the way the Veterans' Administration constructs major medical facilities and help identify exactly where the money went on some of these projects.

The Veterans' Administration is building several major medical facilities across the country, including one in Aurora, CO.

The project in Colorado has been grossly mismanaged leading to excessive cost overruns. Other projects across the country have had similar problems for years. For years, our delegation and practically anyone who has been involved with the Aurora project—almost anybody who has driven by the Aurora project has pushed the VA to acknowledge that there is actually a problem and to come up with a plan to fix it. Unfortunately, the VA has so far failed to do this, and veterans across the Rocky Mountain region have continued to wait for this new medical center.

We should ensure and must ensure that the mistakes on the Aurora project never happen again, but we all concluded that with greater accountability and transparency the right thing to do is to move forward and complete this critical facility.

As many of us have experienced up here, imposing accountability and transparency on an enormous Federal bureaucracy is elusive and complicated. The GAO has the necessary expertise to identify realistic, hard reforms and to make them stick.

We have to hold the VA accountable to our taxpayers so we can move forward to give the Rocky Mountain region's veterans the care they need. The

VA and Congress are going to have to work together to get this project back on track. Finding the money to do this will be painful. It will be difficult, which is why we need to ensure that we account for every dollar that has been spent. But failing to complete this hospital is not an option. It would be a broken promise. Having a half-finished hospital in Colorado would be a national disgrace, and on behalf of our veterans, we cannot allow it to happen. It would be a disservice—worse than a disservice—a broken promise of the worst kind to the hundreds of thousands of veterans across the Rocky Mountain region and throughout the United States.

I urge my colleagues to support this amendment. I wish to express my gratitude to my colleague from Colorado, Senator GARDNER, for joining me on this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I, too, echo the thanks to my colleague from Colorado, Senator BENNET, for his leadership on this effort. It is time that we take the VA hospital from the thorn of the VA system to the crown of the VA system, which we know it will be once it is completed. But in the meantime, there is a tremendous amount of work we have to do. I would like to thank the chairman of the Armed Services Committee for allowing this time today on the floor.

I would note that there are four Members of this body who have actually visited the facility in Denver in recent months. The Presiding Officer has witnessed this hole in the ground right now that has already spent hundreds of millions of dollars, projected to be \$1.73 billion at this point.

We have talked about the need to complete it and have committed to that need to finish this project, along with the chairman of the Veterans' Committee, who has joined us on the floor today, Senator ISAKSON, who is here today with us, who is in support of this amendment to bring more accountability to the VA system so that we can understand what went wrong when they were building not only the Aurora facility but what went wrong around the country as project after project has seen cost overruns and delays.

Veterans gathered this past week in Colorado to rally to finish the darn thing. We have a Veterans' Administration that time and time again has failed to take into account the necessary measures and policies to fix it and to prevent it from ever happening again. With this amendment, we can start to find out where they went wrong and to hold them accountable. When the only person who has been fired is the person who said we were going to have a problem, there is something wrong with that.

I commend Senator BENNET for his leadership on fixing this problem,

building the hospital, and giving our veterans what they were promised.

I thank the Presiding Officer for his time today. I thank the chairman of the committee for enduring this conversation this morning.

I yield the floor.

THE PRESIDING OFFICER. Who yields time?

#### FLOOR PRIVILEGES

Mr. MCCAIN. Mr. President, I have a list of staff members of the Committee on Armed Services and I ask unanimous consent that those staffers on the list be granted the privilege of the floor at all times during the Senate's consideration of and votes relating to H.R. 1735, the National Defense Authorization Act for fiscal year 2016.

The list is as follows:

Barker, Adam; Barney, Steven; Bennett, Jody; Borawski, June; Brewer, Leah; Brose, Christian; Chuhta, Carolyn; Clark, Jon; Clark, Samantha; Davis, Lauren; Donovan, Matt; Edelman, Kathryn; Edwards, Allen; Epstein, Jonathan; Everett, Elizabeth; Goel, Anish; Goffus, Tom; Greene, Creighton; Greenwalt, Bill; Guzelsu, Ozge; Hayes, Jeremy; Hickey, James; Howard, Gary; Kerber, Jackie; King, Elizabeth; Kuiken, Mike.

Leeling, Gary; Lehman, John; Lerner, Daniel; Lilly, Greg; McConnell, Kirk; McNamara, Maggie; Monahan, Bill; Nicolas, Natalie; Noblet, Mike; Patout, Brad; Potter, Jason; Quirk, John; Salmon, Diem; Sawyer, Brendan; Sayers, Eric; Scheunemann, Leah; Seraphin, Arun; Soofer, Rob; Sterling, Cord; Waisanen, Robert; Walker, Barry; Walker, Dustin; Wheelbarger, Katie; White, Jennifer.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

#### AMENDMENT NO. 1522

Mr. REED. Mr. President, the amendment pending before us now is the Portman amendment proposed by the Senator from Ohio. We spoke about it yesterday.

First, let me recognize that he is trying to assist the Army in modernizing the Stryker, which is a very critical piece of equipment. But I want to reiterate some of the concerns I have about the amendment. I know Senator PORTMAN will be here shortly to make a final comment on the amendment. The amendment would add \$371 million of funding for procurement, research, and development of the lethality upgrade to the Stryker program.

I do not have to tell anyone around here that we are in a very tough budget situation. We have to look very closely at every request. The traditional way it is done is that there will be in the President's budget the request by the service department, including the Department of Army, and then the Army will submit an unfunded requirements list—those priority elements that have not made the cut, if you will, in the President's budget. That was done in March. I understand that this whole requirement for the Stryker lethality upgrade came in in April. There is an issue of unfortunate timing. But, nevertheless, because we did not have the opportunity to look at this as part of the overall unfunded requirements

list—nor the Army, for that matter—we really do not have a sense of the priority. Is this the most important program that we can invest \$371 million in at this moment for the benefit of the Army? Therefore, I am very concerned that we are sort of moving forward without full and careful analysis both by the Department of the Army and by the committee, and we need, at this particular moment, this difficult time, to have that type of analysis.

The other issue here, too, is that this is the first step in a multiyear process. We are not quite sure how much additional funding will be needed over the next several years. It is clear from the Army that additional funding will be needed.

So we are at this time, without the usual review by the Army and by the committee, committing ourselves, perhaps, to significant funding going forward. The present estimate is that it will cost \$3.8 million per vehicle. The plan is to upgrade about 81 vehicles. But it is something that, again, could be more expensive and will commit us over several years.

The funding—the vast majority of it—is going to be dedicated to one plant in a single State. Indeed, I think, generally and appropriately, it is a concern of the Senator from Ohio because most of the work will be done in Ohio. I think, again, he should be commended for being interested in what is happening in his home State.

So I appreciate the demand, but I just do not think this has gone through the process sufficiently enough for us to make that type of commitment today on the floor, and I will be opposing it right now.

I would also point out two other factors. First, the Army has the capability going forward, if this program becomes so critical and they raise it to the highest priority, to request a reprogramming of funds, to move money from one less significant priority to this program. That is an option they have, and that is an option they may well choose to use, but it will only be after their careful consideration of the other priorities that are facing the Army. I think that is a better way to do it.

The other factor I would point out is that the pay-for for this program is the foreign currency account. Basically, that is a hedge within the Department of Defense for their international transactions and the value of the U.S. dollar versus other currency. Well, the dollar is strong, and so there appears to be additional excess funds in that account, but currency over the next year could change dramatically. We have already put significant pressure on this supposed excess funding. We have reduced by about \$550 million the request that the Department of Defense has made for this hedge fund, if you will, against currency changes in the world going forward in their acquisition process. I know the House has used more. But I think we have been careful not to try to put too much weight on this account.

So for all of these reasons, I would urge my colleagues to oppose the amendment. Later, there will be an opportunity for the Department of the Army to reprogram funds if it is necessary.

I think this should have been done in the context of a careful review of all their priorities so we know exactly where it stands. Again, I think we are putting too much pressure on this currency account. It might turn out to evaporate these supposed savings.

I yield the floor since I see the Senator from Ohio has arrived.

THE PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, yesterday I talked about an amendment that is absolutely crucial that we include in this legislation. Again, I commend the chairman, Senator MCCAIN, and the ranking member, Senator REED, for their work on this underlying bill. But there is something missing, and it is very clear to everybody who is looking at this issue objectively, particularly what is going on right now on the eastern border of Ukraine. We do not have the ability in Europe, because we have pulled our armored units out, to say with credibility that we have the capacity to address the very real challenge now, unfortunately, that is emerging in Europe.

Last night, as some of you know, Russian and separatist forces launched an offensive again. I am told it is the largest attack since the February Minsk agreement. So this is just what so many people predicted, including President Poroshenko and others in Ukraine, which is that things are heating up again on the eastern border of Ukraine. The NATO forces—the United States of American in particular—need to be sure they have in Europe the ability to at least have some credibility to say they can respond to this.

We have moved our armored units out, meaning there are not Abrams tanks there, except for a few units that were up in the Baltics on a temporary basis this spring. I visited them a couple of months ago. They are doing a terrific job, but they are leaving.

What the Army has said is, we want to allow our troops who are there to be able to up-armor, particularly with a weapon—a 30-millimeter cannon rather than a .50-caliber machine gun—on our Stryker vehicles to be able to have some credibility there, to be able to say that we have armored units in Europe that can respond to these new challenges. The Army has asked for this. The Army wants this. They are pleading for it because the soldiers who are there know they will not be able to perform their mission without this enhanced capability.

We had this debate yesterday on the floor. I do not think Senator REED and other Democrats necessarily disagree with the substance of this amendment. What they have said is they are concerned about the pay-for. Well, let's talk about the pay-for. The pay-for is

taking this out of an account that is already being used for other purposes. It is already being used by the House Armed Services Committee. In fact, the House Armed Services Committee has already taken more funds out of this account than all of the funds in the SASC committee, the Senate committee, plus this amount that I believe ought to be taken out of this account. This is called the foreign currency fluctuation account at the Department of Defense.

GAO, which is the body that looks at these issues from our perspective, from a legislative branch perspective—they are the auditors—GAO has estimated that the Pentagon will have \$1.86 billion in surplus from these fluctuations by the end of fiscal year 2016.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PORTMAN. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. So GAO has looked at this. They have said there will be \$1.86 billion in surplus in these fluctuation accounts at the end of fiscal year 2016. They have actually updated their figures now with even more recent data, and they have just adjusted the 2016 surplus even higher to \$2.02 billion. No one has produced a currency projection to counter this GAO estimate. So we are talking about over \$2 billion in this account that is available.

By the way, the money we are talking about here is not going to be taken and used for other readiness priorities because the SASC bill has already swept up that money for readiness. This money will be sitting in a reserve fund. The Pentagon does not need to be sitting on this size of a reserve fund—essentially a slush fund—when we do have these needs that have been identified. The Army has made a formal request for these. They have asked for assistance here. These deployed units need this assistance. They said they need it. We ought to put this to good use—namely, for an urgent requirement like this one.

Again, if you look at the House bill versus the Senate bill, the House has used more of this funding in this reserve fund, this slush fund, than we have used even when you include this additional requirement I am talking about today.

So this notion that somehow we cannot do this because the offset is not good—it just does not make any sense. It does not fit with what GAO has said, and it does not fit with what the House has done. So I do not know what the objection is, but I tell you what—if you vote against this, then you are saying that our troops in Europe ought not to have the capability that they have asked for, that they need.

Admittedly, this came late. I am sorry about that. It should have come with it sooner. This was a requirement they had identified, but they had iden-

tified needing it later by 2020. Now, they need it now, and they need it now because the situation has changed in Europe.

We have to be flexible to be able to respond to that change. If we wait another 12 months, another year to do this, who knows what is going to happen. But I know one thing, having been in Eastern Europe recently, I know those countries of Eastern Europe and, in fact, those countries on the European Continent—our NATO partners, in particular, but also Ukraine—are looking to the United States of America to show that the commitment we have made on paper, to ensure we have that commitment in terms of our capability on the ground in Europe.

Again, this is an issue where I think we should come together as Democrats and Republicans. It is a bipartisan amendment. I commend Senator PETERS for identifying this need with the Army.

I understand Senator REED's concern that this came late in the process, but it is here. The request has been made. I would sure hope we would be able to come together today, given what is happening right now on the eastern border of Ukraine, to ensure that we send a strong message that, at a minimum, we are going to meet these requirements that the Army has insisted they need to be able to give our troops what they need to be able to keep the peace in this important part of the world.

I thank the Presiding Officer for the time. I urge my colleagues to support the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, again, I recognize the way that the Senator from Ohio is articulating a need of the military. The question is how high the priority is.

Just one point I wish to make is that we do understand acutely the crisis in the Crimea, et cetera. The availability of this equipment would not be instantaneous. It would take many months to do the upgrade, to do the evaluations, et cetera.

Again, I think the best approach would be to allow the Department of the Army to make a judgment, to reprogram, if necessary, and to get this moving.

With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 1522, offered by the Senator from Ohio, Mr. PORTMAN.

Mr. PORTMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 202 Leg.]

#### YEAS—61

Alexander	Enzi	Murray
Ayotte	Ernst	Paul
Barrasso	Fischer	Perdue
Bennet	Flake	Peters
Blunt	Gardner	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Cantwell	Heinrich	Rounds
Capito	Hirono	Sasse
Casey	Hoeven	Scott
Cassidy	Inhofe	Sessions
Coats	Isakson	Shelby
Cochran	Johnson	Stabenow
Collins	King	Sullivan
Corker	Kirk	Thune
Cornyn	Lankford	Tillis
Cotton	Lee	Toomey
Crapo	McCain	Vitter
Cruz	McConnell	Wicker
Daines	Moran	
Donnelly	Murkowski	

#### NAYS—34

Baldwin	Kaine	Reid
Blumenthal	Klobuchar	Sanders
Booker	Leahy	Schatz
Brown	Manchin	Schumer
Cardin	Markey	Shaheen
Carper	McCaskill	Tester
Coons	Menendez	Udall
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Nelson	
Heitkamp	Reed	

#### NOT VOTING—5

Boxer	Heller	Warner
Graham	Rubio	

The amendment (No. 1522) was agreed to.

#### VOTE ON AMENDMENT NO. 1540

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1540, offered by the Senator from Rhode Island, Mr. REED, for Mr. BENNET.

If there is no further debate, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

#### AMENDMENT NO. 1473 TO AMENDMENT NO. 1463

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment in order to call up amendment No. 1473.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1473 to amendment No. 1463.

Mr. VITTER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the retirement of Army combat units)

On page 38, line 12, insert after “**FIGHTER AIRCRAFT**” the following: “**AND ARMY COMBAT UNITS**”.

On page 43, between lines 3 and 4, insert the following:

(e) **MINIMUM NUMBER OF ARMY BRIGADE COMBAT TEAMS.**—Section 3062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Effective October 1, 2015, the Secretary of the Army shall maintain a total number of brigade combat teams for the regular and reserve components of the Army of not fewer than 32 brigade combat teams.

“(2) In this subsection, the term ‘brigade combat team’ means any unit that consists of—

“(A) an arms branch maneuver brigade;

“(B) its assigned support units; and

“(C) its assigned fire teams”.

(f) **LIMITATION ON ELIMINATION OF ARMY BRIGADE COMBAT TEAMS.**—

(1) **LIMITATION.**—The Secretary of the Army may not proceed with any decision to reduce the number of brigade combat teams for the regular Army to fewer than 32 brigade combat teams.

(2) **ADDITIONAL LIMITATION ON RETIREMENT.**—The Secretary may not eliminate any brigade combat team from the brigade combat teams of the regular Army as of the date of the enactment of this Act until the later of the following:

(A) The date that is 30 days after the date on which the Secretary submits the report required under paragraph (3).

(B) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(i) the elimination of Army brigade combat teams will not increase the operational risk of meeting the National Defense Strategy; and

(ii) the reduction of such combat teams does not reduce the total number of brigade combat teams of the Army to fewer than 32 brigade combat teams.

(3) **REPORT ON ELIMINATION OF BRIGADE COMBAT TEAMS.**—The Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) The rationale for any proposed reduction of the total strength of the Army, including the National Guard and Reserves, below the strength provided in subsection (e) of section 3062 of title 10, United States Code (as amended by subsection (e) of this section), and an operational analysis of the total strength of the Army that demonstrates performance of the designated mission at an equal or greater level of effectiveness as the personnel of the Army so reduced.

(B) An assessment of the implications for the Army, the Army National Guard of the United States, and the Army Reserve of the force mix ratio of Army troop strengths and combat units after such reduction.

(C) Such other matters relating to the reduction of the total strength of the Army as the Secretary considers appropriate.

(g) **ADDITIONAL REPORTS.**—

(1) **IN GENERAL.**—At least 90 days before the date on which the total strength of the Army, including the National Guard and Reserves, is reduced below the strength provided in subsection (e) of section 3062 of title 10, United States Code (as amended by subsection (e) of this section), the Secretary of the Army, in consultation with (where applicable) the Director of the Army National Guard or Chief of the Army Reserve, shall

submit to the congressional defense committees a report on the reduction.

(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) A list of each major combat unit of the Army that will remain after the reduction, organized by division and enumerated down to the brigade combat team-level or its equivalent, including for each such brigade combat team—

(i) the mission it is assigned to; and

(ii) the assigned unit and military installation where it is based.

(B) A list of each brigade combat team proposed for disestablishment, including for each such unit—

(i) the mission it is assigned to; and

(ii) the assigned unit and military installation where it is based.

(C) A list of each unit affected by a proposed disestablishment listed under subparagraph (B) and a description of how such unit is affected.

(D) For each military installation and unit listed under subparagraph (B)(ii), a description of changes, if any, to the designed operational capability (DOC) statement of the unit as a result of a proposed disestablishment.

(E) A description of any anticipated changes in manpower authorizations as a result of a proposed disestablishment listed under subparagraph (B).

Mr. VITTER. Madam President, I will return to the floor soon to lay out more fully what this amendment does. Fundamentally, it tries to protect our force structure, our personnel and, in particular, the core component of brigade combat teams as the Pentagon—the Defense Department—deals with curtailed resources.

I am very concerned, as are so many of us, that as defense budgets are cut, personnel and core resources in terms of end strength, including brigade combat teams, will suffer cuts that go well beyond fat and into meat and bone. We need to limit that. We need to avoid that. This amendment would do that with regard to brigade combat teams.

It does not increase spending. It retains as much flexibility as possible for the Department of Defense. I think it meets an important goal in a balanced and reasonable way. I look forward to continuing this discussion toward a vote in favor of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, for the benefit of Members, and in agreement with Senator REED, we will be having the Shaheen amendment, followed by side-by-side Markey and Cornyn amendments. And those votes, we are planning on, but haven't confirmed, will probably be at around 1:45 p.m., and that would complete our activities. That is not totally agreed to, but that is the plan.

Mr. REED. Madam President, also I believe we anticipate taking up by voice vote the Tillis amendment.

Mr. MCCAIN. We will voice vote the Tillis amendment, and we will be looking, hopefully, at a manager's package, as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1494

Mrs. SHAHEEN. Madam President, I rise to discuss amendment No. 1494, which I believe would move our Nation one step closer toward finally securing equal protection under the law for veterans in the United States. I thank the other cosponsors of this amendment, Senators LEAHY, DURBIN, BROWN, HIRONO, BLUMENTHAL, BALDWIN, SCHATZ, PETERS, GILLIBRAND, MARKEY, WHITEHOUSE, COONS, WYDEN, FRANKEN, MURPHY, MURRAY, and BOXER.

This amendment would end the current prohibition on benefits for gay and lesbian veterans and their families who live in States that do not recognize same-sex marriage. My amendment is based on the Charlie Morgan Military Spouses Equal Treatment Act, which I was proud to reintroduce earlier this year.

The bill is named for Charlie Morgan, a former soldier and chief warrant officer in the New Hampshire National Guard and the Kentucky National Guard. Charlie was a military veteran with a career spanning more than 30 years. I first met Charlie in 2011. She was on her way home from deployment in Kuwait, and she had just been diagnosed for a second time with breast cancer. Concerned for her wife Karen and their young daughter's well-being, Charlie became an outspoken critic of the Defense of Marriage Act, which at the time prohibited her spouse and child from receiving the benefits that she had earned during her service.

Sadly, Charlie did not live to see the Supreme Court overturn the Defense of Marriage Act in 2013. However, because of her example, her leadership, and her courageous advocacy, our Nation took another historic step toward ensuring equal treatment and civil rights for all.

Despite the Supreme Court's overturning the Defense of Marriage Act, there are still provisions remaining in the U.S. Code that deny equal treatment to LGBT families. One of those provisions is in title 38, which deals with veterans benefits.

Today, if you are a gay veteran living in a State such as New Hampshire that recognizes same-sex marriage, your family is entitled to all the benefits you have earned through your military service. However, a veteran with the exact same status, the same service record, the same injuries, the same family obligations, but living in a State that does not recognize same-sex marriage will receive less.

The impact of this discrimination is very real. Monthly benefits are less, spouses and children are not eligible for medical care at the VA, and families are not eligible for the same death benefits.

There are even reports that the VA has required gay veterans to pay back benefits because their State will not recognize their marriage. In one case, a young woman—a 50-percent disabled combat veteran—was initially approved for benefits for her wife and child but later told by the VA that because of where she lived and whom she



loved, she was not only going to lose a portion of her benefits but the VA was also going to withhold her future payments until she paid the VA back. This is just disgraceful—to cut the benefits earned by a combat veteran and then also require that she pay back the VA, all because of whom she married and where she lives. Perhaps the most frustrating part of this story is knowing that if this woman moved across the border to another State, she would have no problems with the VA.

My amendment would fix this issue for these men and women who have volunteered to serve in our Armed Forces. They have volunteered to put themselves in harm's way, to leave their families and their homes, and to travel around the world to protect America and our way of life. Yet they are being deprived of the very rights they have risked their lives to protect.

So again, let's be clear what we are talking about. The Supreme Court has ruled it is unconstitutional to deny Federal benefits to legally married, same-sex couples and their children. Yet, due to unrelated provisions of the Federal Code, State legislatures have the ability to indirectly deny Federal benefits to certain disabled veterans and their families solely because they are in a same-sex marriage. It is unjust and, according to the Supreme Court, it is unconstitutional.

Now, my amendment is not new to the Senate. Last Congress the Veterans' Affairs Committee approved it by a voice vote, and earlier this year, 57 Senators voted in favor of a budget resolution amendment on this issue. Now, when we vote—hopefully very soon on this amendment—Senators will have the opportunity to end an unjust and unconstitutional provision of law that discriminates against veterans.

Many of us talk about the need to honor the service of our veterans and to make sure they have access to the care they deserve, and we should all do that. But if you believe that all veterans, regardless of their sexual orientation, deserve equal access to the benefits they have risked their lives for, regardless of where they live, then you will vote in favor of this amendment.

I strongly urge my colleagues to support passage of this amendment when it comes up for a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to commend the Senator from New Hampshire. I think one of the best indications of the appropriate direction of this policy is that the Department of Defense extends benefits regardless of State law to all military personnel. Consistent with the Department of Defense, this should be done by the Department of Veterans Affairs.

So I commend the Senator. I think it is the right thing to do and the consistent thing to do and the logical thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I thank Senator REED, the ranking member of the Armed Services Committee, who has a distinguished military career of his own, for his support of this effort and his understanding of how important this is to so many veterans who have served.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1645 TO AMENDMENT NO. 1463

Mr. MARKEY. Madam President, I ask unanimous consent to set aside the pending amendment and call up the following amendment: Markey No. 1645.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. MARKEY] proposes an amendment numbered 1645 to amendment No. 1463.

Mr. MARKEY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress that exports of crude oil to United States allies and partners should not be determined to be consistent with the national interest if those exports would increase energy prices in the United States for American consumers or businesses or increase the reliance of the United States on imported oil)

At the end of subtitle G of title X, add the following:

**SEC. 1085. SENSE OF CONGRESS REGARDING EXPORTS OF CRUDE OIL.**

It is the sense of Congress that exports of crude oil to allies and partners of the United States should not be determined to be consistent with the national interest and the purposes of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) if those exports would increase energy prices in the United States for American consumers or businesses or increase the reliance of the United States on imported oil.

Mr. MARKEY. Madam President, what we are about to do is have a discussion about whether the United States of America should start exporting our oil—exporting our oil.

The United States right now, along with China, is the largest importer of oil in the world. We are not exactly at but very near to the level of imports of oil in our country that we were back in 1975 when we put a ban on the exportation of oil in our country.

Why is that important? It is important for a lot of reasons. No. 1, if we begin to export our oil in the United States, a new Barclays report found that the U.S. consumer last year saved \$11.4 billion at the pump because of the lowest U.S. crude prices in a long time, and we would potentially save upwards of \$10 billion in prices for consumers at the pump in the United States of America.

We understand the oil industry. Here is what happens. The world price is set.

It is called the Brent price. The Brent price is the world price of oil. That price is traditionally higher, much higher than the price of crude oil in the United States that is produced in the United States. That is West Texas intermediate. That is a price set in Cushing, OK.

If you are an oil company, you want to get our U.S. crude out on the world market because they will then be able to sell it for a much higher price. What is wrong with that? What is wrong with that is that the American consumers will not get that oil at the lower price, and we will still have to import oil into our country because we are still short by millions of barrels of oil per day.

The consumer in America is the one who will be paying this tax on their price at the pump. That is the essence of what this whole strategy is about. It is to get the oil companies the highest price for the oil which is on the world market. But who is going to pay? Who is going to have their pockets tipped upside down at the pump and have money shaken out of them so they have to pay a higher price? It will be the consumers.

If we want to give more money to the defense budget, let's just do it. Let's have a big debate about increasing the defense budget. Let's have that debate. But let's not have the American consumer at the pump be a special tax that is imposed in order to help our allies overseas. Ultimately, of course, there is a beautiful access there where the oil industry is saying: Yes, sir, we are willing to put our crude oil on ships and send it overseas.

It is just a bad, bad economic policy for our country. We are already paying a high price at home. This exportation of our oil would also defy what our own Department of Energy is saying. Our Department of Energy is saying that in 2020, our oil production in America is going to peak, and then we are going to begin to go down once again in our oil production.

Who is saying this? Our Government. Who is saying this? The Energy Information Administration of the United States of America. What we are engaging in here is a premature attempt to export oil with the likelihood that by 2019 and 2020 our oil production is going to start to go down again.

It also hurts our domestic oil refining industry. The Energy Information Administration has found that lifting this ban on the exportation of our own domestic crude could lead to a fundamental reduction in the amount of investment made by the American refining industry here on our own soil. Some \$9 billion less would be invested because the oil would be sent overseas. The crude oil would get refined overseas. It would not be refined here in our own country with American workers and American companies doing it here on our own soil, helping our economy here.

This decision, by the way, that Members are going to be asked to make

today is opposed by the AFL-CIO, it is opposed by the steel workers, it is opposed by the League of Conservation Voters, by the Sierra Club, by Public Citizen, and by an entire group of American refiners.

This is no radical coalition that has been put together. It is a broad base of interest in our own country that wants to make America stronger. How in the world can we be strong if we are exporting oil while we are still importing oil? We will have to import the same amount that we are now exporting under this amendment that is being made by the Senator from Texas, and we will wind up with, ultimately, the price being paid by the American consumer at the pump.

From my perspective, this is about as desperate an attempt as the oil industry can have to get out from underneath the 1975 law. They have been looking for an opportunity. But, obviously, the instability in the Middle East should make us very cautious at this time. The oil fields of Saudi Arabia are now very vulnerable. They are right on the border. The Houthis being supported by Iran, right at the bottom of the Red Sea, makes that juncture very vulnerable to a cutoff of oil coming into the world economy. This Shi-ite-Sunni war is something that we have to be very conscious of because ISIS is targeting those areas in Syria, in Iraq, and in Yemen that have oil resources.

We need a big debate in our country about oil and war in the Middle East. We are at a pivotal point here where the Ottoman Empire and all of the lines that were drawn 100 years ago are being erased and with that the protection of oil resources in the Middle East.

We should not just have a debate on the Senate floor about cavalierly lifting the ban on the exportation of oil. We should have a debate about what this war in country after country and oil area after oil area means for our country.

I would say to you that we should err in a way that is going to protect our own economy. That is what makes us strong. That is what makes it possible for us to project the power around the world. It is that we are the strongest economy in the world, and the indispensable life's blood of economic growth is low-energy cost for every single industry and every single consumer. It puts more money in their pockets.

This decision that the amendment of the Senator from Texas asks us to make will send us in the wrong direction. This is a disaster for consumers in our country. It is a disaster for the refiners in our country, and it is a disaster for the national security of our country. We should keep our resources here at home for American families, American businesses, to enhance our national security using America and our economy as the basis for how we project power around the world. For every barrel of oil that we export, we

are going to have to import another barrel of oil from some other place.

We should have the debate here on the Senate floor about where that oil will be coming back into our country because we still need 3 million, 4 million extra barrels of oil a day. That is a national security consideration that we have to deal with. Which country are we going to call up? Which country are we going to ask to send us their oil? What are the implications for our national security of having phone calls go to country after country—probably not just the oil companies but our government beginning new negotiations to get even more oil to come here as we export the oil that we should be keeping here.

The Saudis have been our friends, historically. We have no guarantee that the Saudis are going to even be running that country. Let's be honest about it. Let's talk about that. Let's debate it. ISIS has taken over oil fields in Syria. ISIS has taken over areas of oil production in Iraq. Let's have a debate about that. That is what we should be debating. How is that oil now being used by Iran, potentially, in Yemen and in other parts of the world to undermine American interests?

In one part of the world, Yemen, we want to back the Sunnis against the Shiites. In Iran, we are backing moderate Sunnis against Shiites. In Iraq we are backing the Shiites against radical Sunnis, trying to get moderate Sunnis to help us. All of it, by the way, is with oil as—if not the central issue, then one of—the central issues in each one of these countries. To have a resolution here today and to be saying that we should be exporting oil—no, ladies and gentlemen, that is not how we should be discussing this issue.

How did we get into the Middle East? We got into the Middle East, yes, protecting Israel, but we got in because of our addiction to oil—not my words, President Bush's words. We have to break our dependence upon imported oil. Increasing fuel economy standards is a big part of it. Having this fracking revolution continue to produce more oil here domestically is a big part of it. Investing in renewables and energy efficiency is a big part of it. But we are still at the earliest stages of this strategy. When we have completed it, when we know we are successful, then let's talk about the generosity that we are going to expect from American consumers at the pump to pay higher prices for gasoline.

Again, this is an issue that the American people overwhelmingly want to see resolved in a way that keeps American oil in America. If we are going to continue to export young men and women from America over to the Middle East, then we should not be exporting our oil at the same time. That makes no sense—no sense. It is disrespectful to the sacrifice young men and women are making in the Middle East in order to protect our interests

to start an economic policy of exporting imported oil while we still need to import it.

This issue, to me, is central to our overall long-term national security and economic interests, and I urge an aye vote on the amendment.

I ask for a rollcall on the amendment, Madam President.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Mr. MARKEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OBAMACARE

Mr. BARRASSO. Madam President, this morning, Majority Leader McConnell spoke about the skyrocketing costs, the broken promises, and the repeated failures of the President's health care law. He pointed out specifically how so many Americans are facing double-digit premium increases because of ObamaCare. In his home State of Kentucky, some people face proposed increases as high as 25 percent. He noted that some people in Indiana could be hit with a 46-percent jump in their premiums.

So how did Democratic Leader Reid respond to the news of double-digit premium increases? He said people are extremely satisfied with health care. He said the people Majority Leader McConnell spoke about are having increases that are "very, very minimal." I wish to repeat that. The Democratic leader, on the floor of the Senate today, called premium increases of 25 and 46 percent very, very minimal. What world is he living in? How on Earth can Senate Democrats believe Americans are satisfied with their health care when they are facing double-digit premium increases? How on Earth can the Senate Democratic leader believe these increases are very, very minimal? They are shocking.

The Democrats have their head in the sand about the health care law. We can pick up Investor's Business Daily, Monday, June 1: "ObamaCare Deductibles Soaring to \$6,500 for Silver-Level Plan."

Pick up the Wall Street Journal, Friday, May 22: "Health Insurers Seek Big Increases."

Investor's Business Daily today: "ObamaCare Enrollment Mystery: 2 Million Young Adults Missing." They are not signing up, and there are plenty of good reasons why. It is not because it is a good deal for them.

No matter how bad it gets, no matter how unaffordable it is, President Obama and the Democrats in Congress absolutely refuse to face the reality. They refuse to help Americans who continue to be hurt by this law.



I wish to speak a little bit about the reality of the law and why Republicans are committed to helping all Americans finally have access to affordable care.

We all remember when President Obama promised that his health care law would cause insurance premiums to go down—down—by an average of \$2,500 per year, per family. So where do we stand now? A couple of weeks ago was the deadline for insurance companies to say what they intended to charge people for health care next year. This is the first time companies have been able to set their prices based on a full year of information about how much ObamaCare actually costs. From what we have seen so far, the cost is enormous. A lot of Americans are going to be shocked by how much more their health insurance will be.

These higher premiums are just the latest evidence that ObamaCare is an expensive failure. We have seen reports about the largest insurance company in New Mexico saying it wants to raise rates by almost 52 percent next year. The biggest insurer in Tennessee wants to raise its rates 36 percent. In Maryland, the largest insurer is planning to increase premiums by more than 30 percent. Yet, we hear Senator REID on the floor of the Senate this morning saying these things don't matter.

People who are in the President's home State of Illinois right now are facing an average premium increase of 30 percent. It seems as though there is another headline every day about how expensive health care insurance is becoming.

The Wall Street Journal Tuesday: "Insurers Seek Big Premium Increases."

I know there are some supporters of the law who like to say lots of people have insurance under ObamaCare. How many of them are actually going to be paying these double-digit rate increases next year because of ObamaCare? That is what Americans want to know.

On Monday, the Obama administration released information on rate hikes for people living in about 41 States. It turns out that 676 different insurance plans—different ObamaCare insurance plans—offered for sale in these 41 States plan to raise their rates by double digits—by at least double digits. The average increase is 21 percent. About 6 million people getting their insurance from these plans will face double-digit rate increases next year. Do Democrats who voted for ObamaCare think a 21-percent rate increase is affordable? Do they think a double-digit premium increase will help these 6 million hard-working Americans?

These numbers are so large, it is hard to even understand what they mean for a typical person. What does it mean that health insurance policies in Maryland might have an average rate increase of 30 percent? How does that impact someone's life, their quality of life?

Let's say there is a 40-year-old non-smoker living in Annapolis, MD. He buys a silver plan from CareFirst BlueCross BlueShield, which is the biggest insurer in Maryland and the most popular kind of plan. According to the Wall Street Journal study, those rates would go from about \$2,900 for the year to nearly \$3,700 next year. That is an \$800-a-year increase. The President promised it would go down \$2,500, and now it has gone up \$800. That is how expensive ObamaCare has become. It is far more costly than people thought it was going to be, than the insurers thought it was going to cost, and far more costly than the American people were told it was going to be.

I have heard some Democrats who support this law say these are just the requested rates. They say we shouldn't worry because State insurance agencies won't allow these huge rate increases to take effect. Well, CareFirst, the company in Maryland that wants a 30-percent rate increase next year, raised its rates 16 percent last year. Hard-working people across the country are going to have to pay these enormous premiums because the President mandates they buy it. And many of them still won't be able to actually use their insurance because the deductibles and the copays are so high. This year, the average deductible for an ObamaCare silver plan is almost \$3,000 per person and more than \$6,000 per family.

One has to ask, why are costs going up so much so fast? That is what a radio station in Kansas City, MO, KCUR-FM, asked. They reported last week, on May 27, that premiums for some plans in Kansas are going to go up 38 percent. According to the radio station, the increases "appear to be driven by requirements in the Affordable Care Act, also known as ObamaCare." That is what they report.

The Kansas State Insurance Department said it was because of things like all of the coverage mandates in the law. Families are now paying for coverage that is more than they need, more than they want, and more than they can afford. A spokesman for the State insurance agency in the State of Kansas told the radio station, "These things cost money."

What do people think about these enormous increases in their premiums? Are people happy because of all the extra money they have to pay because of ObamaCare?

Let's look at Connecticut. In Connecticut, they have been writing to the State insurance department, and they are angry and frustrated about the ObamaCare price hikes.

One person wrote, "I find it outrageous that the rates for 2016 are going to increase by 6.7 percent," which was the request in Connecticut. The person goes on:

Where do you think that I am going to get that money? I do not get a raise every year based on your "every year" rate increases.

So this is somebody who is having a hard time with a rate increase of only

6.7 percent. Imagine how tough it is going to be for families all around the country who will have to pay 20 or 30 or 40 percent more next year for their ObamaCare-mandated insurance. Thousands of families across the country are facing these shocking rate increases, and it might be just the beginning.

Sometime this month, the Supreme Court is expected to decide an important case called *King v. Burwell*. This case is about the subsidies some people get to pay ObamaCare's alarmingly high costs. The health care law said that Washington could subsidize the premiums of people who buy insurance through its exchanges established by the States. President Obama knew that wouldn't be enough because he knew his law was going to make insurance premiums skyrocket, so he told his administration to use taxpayer dollars to subsidize insurance in the Federal exchange as well. Democrats in Congress wrote the law to allow subsidies for one group, and then the President then decided to pay them out for another group. So if the Supreme Court decides that the President overstepped his authority, there are going to be a lot of people who could be facing paying the full cost of their ObamaCare plans without the subsidy. They are going to see just how expensive this ObamaCare insurance is and just how destructive the Democrats' health care law has been.

Let's face it. In spite of what the minority leader says on the floor of the Senate, ObamaCare has been a disaster. It is bad for patients. It is bad for providers. It has been terrible for the American taxpayers, hard-working Americans who work every day to try to put food on the table and pay their taxes.

Republicans are offering better solutions, real solutions that will end these outrageous and expensive ObamaCare side effects. That means giving Americans freedom, choice, and control over their health care decisions. Republicans understand that hard-working American families can't afford ObamaCare any longer.

Democrats need to admit that their health care law has been and continues to be an expensive failure. If they are ready to do that, then Republicans will work with them to help give people the care they need from a doctor they choose at lower cost.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise today to speak on my amendment No. 1578, the Military Justice Improvement Act, to ensure that survivors of military sexual assault have access to an unbiased and professionalized military justice system.

Last year, despite earning the support of 55 Senators—a coalition spanning the entire ideological spectrum,

including both the majority and minority leader—our bill to create an independent military justice system, free of the inherent bias and conflicts of interest within the chain of command, fell short of overcoming the 60-vote filibuster threshold. But, as we said then, we will not walk away. We will continue to fight to strengthen our military because that is our duty.

It is our oversight role in Congress to act as if the brave survivors are our sons and daughters, our spouses who are being betrayed by the greatest military on Earth. We owe them at least that.

Over the last few years, Congress has forced the military to make many incremental changes to address this crisis. After two decades of complete failure and lipservice to “zero tolerance,” the military now says essentially: Trust us. We have got this.

They spin the data, hoping nobody will dig below the top line because when you do, the clear conclusion is that survivors still have little faith in the system and that the military has not actually made a dent in the problem. Even after much-lauded reforms, the estimate for 2014 is 20,000 cases of sexual assault and unwanted sexual contact—the same level as 2010—an average of 52 a day. A much-touted reform made retaliation a crime. That made a lot of sense, but a sky-high 62-percent retaliation rate remains unchanged from 2 years ago.

The system remains plagued with distrust and does not provide the fair and just process the survivors deserve. Simply put, the military has not held up to the standards posed by General Dempsey 1 year ago when he said, “We are on the clock if you will . . . the President said to us in December, you’ve got about a year to review this thing . . . and if we haven’t been able to demonstrate we are making a difference, you know, then we deserve to be held to the scrutiny and standard.”

So I am urging my colleagues to hold the military to that standard. Enough is enough with the spin, the excuses, and the promises, because throughout the last year, we have continued to see new evidence of how much further we actually have to go to solve this problem.

We have a very simple choice. We can keep waiting, hoping that the reforms we put in place—that we actually forced the military to put in place—will somehow restore trust in the system, while an average of 52 new lives are shattered every day, three-quarters of whom will never come forward because they see what happens around them and they don’t trust the system and don’t see how justice is possible because commanders hold all the cards, or we can do the right thing and act.

We can accept a system where, according to the DOD themselves, three out of four servicewomen and nearly half of servicemen say sexual harassment is common or very common or we can do the right thing and act.

We can accept a system where women who were sexually harassed were 1,400 percent more likely to be sexually assaulted that same year or we can act.

We can accept a climate where supervisors and unit leaders were responsible for sexual harassment and gender discrimination in nearly 60 percent of all cases or we can act.

My friends, I believe it is time that we provide our servicemembers with an unbiased justice system, one that is professionalized, where the decision-maker is trained in military justice. It is time to finally listen to the survivors who have told us over and over again that this reform is required to instill long-lost confidence in the system.

It is very much time to do the right thing and act because every time we look at this problem, it seems to get worse. My office just reviewed 107 sexual assault case files from the largest base in each of the services. We requested these files, and that was for 1 year of sexual assaults. We requested the data to understand what actually happens once the reports are filed, how they are investigated, and how they move forward within the military justice system to see if there is any other challenges we have to address. It took the Pentagon a year to respond to my document request. These 107 files are just a snapshot of the thousands of estimated cases that occur annually.

What we found, which was unexpected, was an alarming rate of assaults among two survivor groups who are not represented in the DOD survey. The DOD survey is all servicemembers. But what we found is that civilian women and military spouses are not counted in that survey, and of these 107 cases, in 53 percent of them, the survivor was either a military spouse or a civilian. These two categories of survivors are hidden in the shadows.

According to the DOD themselves, the real scope of this problem, unfortunately, is much larger than the 20,000 that were estimated for last year alone. These obviously aren’t just numbers; these are real lives being broken, and they deserve a fair shot at justice.

It should disturb everyone in this Chamber that instead of hope for justice at these four military bases, nearly half of the survivors who initially filed a complaint—some of them going through the medical exam, going through testimony, going through evidence—nearly half who filed withdrew their complaint during the process before trial. What does that tell us? Is there a form of retaliation taking place? Is it just a lack of faith in the system? To have about half of these cases not move forward is very troubling.

Even when a case did move forward, just over 20 percent of them went to trial, and only 10 percent of these cases resulted in sexual assault convictions with penalties of confinement and dishonorable discharge. Ten percent. Only 10 percent ended in conviction. The

cases that did proceed to trial but failed to obtain a sexual assault conviction typically resulted in a more lenient penalty, such as reduction in rank or docked pay.

There was a new report published by the Human Rights Watch. They issued a report which told us that servicemembers who reported a sexual assault were 12 times more likely to suffer retaliation than to see their offender get convicted of the sexual offense. Let me repeat that. A survivor who reports a sexual assault is 12 times more likely to see retaliation than to see justice. How can anyone say this is a system our survivors can actually have faith in?

Despite the DOD’s reported 62 percent retaliation rate—and this is so troubling—there was not evidence of a single serious disciplinary action against anyone for retaliation. Not one. There was not one disciplinary action for 62 percent of survivors who were retaliated against. That borders on the impossible. But the reality is, without independent review, we are actually relying on commanders to charge themselves with retaliation. It doesn’t make any sense.

According to the DOD’s own SAPRO report, retaliation remains at 62 percent for women. Over one-third experienced administrative action, and 40 percent faced other forms of professional retaliation. That means your job changes in some meaningful way.

DOD admits they have made zero progress since 2012.

The carefully crafted and widely bipartisan Military Justice Improvement Act is designed to reduce the systemic failure that survivors of military sexual assault describe, in deciding whether to report the crimes committed against them, due to the bias and inherent conflicts of interest posed by the military chain of command’s current sole decisionmaking power over whether a case moves forward. This reform actually protects both the victim and the accused. We do not want to see an innocent person convicted any more than we want to see a guilty person go free.

Due process, professionalism, training, equal opportunity to justice is how we restore a broken system. It is time to move the sole decisionmaking power over whether serious crimes akin to a felony go to trial from the chain of command into the hands of nonbiased, professionally trained military prosecutors, where it belongs. And we do this while leaving military crime in the chain of command. So we completely carve-out anything that is military-related, such as missing in action or not honoring a command. In fact, the decision whether to prosecute the vast majority of crimes, including 37 serious crimes uniquely military in nature, plus all punishable crimes that have less than a year of confinement as a penalty, remain in the chain of command.

The brave men and women we sent to war to keep us safe deserve nothing

less than a justice system that is actually equal to their sacrifice. We owe that at least to them.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAINÉ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1521

Mr. KAINÉ. Madam President, I rise in support of the NDAA that is on the floor now but also in strong support of an amendment that has been offered by Senator REED of Rhode Island to the NDAA. Actually, I have a *deja vu* feeling in the speech, because the speech is largely about what I gave as my maiden speech in February of 2013; that is, the BCA budget caps and sequester.

To begin, before I focus on the amendment from my colleague from Rhode Island, the ranking member of the Armed Services Committee, I do think there is a lot of good policy in the NDAA. We worked on it together. That committee process is a productive one. I think we always find a great degree of bipartisanship as we are trying to tackle the programmatic description of our Nation's military budget and support. There is much good policy, acquisition reform, and other key reforms that are part of this budget. There are some items that I feel very strongly about dealing with shipbuilding and ship repair.

I think it is great that we are having the debate on the floor. We have had NDAA's passed, but we have not had a lot of floor time on them in 2013 and 2014. So the fact that we have are having this debate about the critical nature of our Nation's defense and the authorizing bill on the floor is very positive.

There are some aspects of the NDAA that I do not like. There are some items that I wish were in there but that are not. That is part of the process. I think we could all say that, but I am glad we are having the debate on the floor. However, the item that is in the NDAA that I have the greatest concern about is the use of what I consider a flagrant budget gimmick to sneak by defense spending caps that were imposed by the 2011 Budget Control Act.

I think the gimmick is a serious one and a challenging one. The gimmick is dishonest. It is bad for the Nation's defense. It is also bad for America's non-defense priorities.

The good news is that the budget can be fixed. My colleague from Rhode Island, the ranking member of the Armed Services Committee, has a proposal to fix it. The proposal was offered in committee and rejected, and it has been offered again on the floor. I want to describe it and explain why I strongly support it.

First, there is the gimmick itself. Just for the public on this, in August of

2011, before either I or the Presiding officer were in the body, Congress passed the Budget Control Act that imposed a set of draconian budget caps on defense and nondefense spending as a punishment, in case Congress did not find a grand budget deal. So the wisdom of this body at the time was that we will sort of punish ourselves unless we can find a budget deal. I describe that colloquially as if we don't do something smart, we will do something stupid.

Well, Congress did not do something smart. There wasn't the grand budget deal that many hoped there would be. So on March 1, 2013, budget caps went into effect that put a significant crimp in both the defense and nondefense items in the Nation's budget. The first speech I gave on the floor was in February 2013. After my first State recess week, I traveled around and I heard my constituents talk about how bad these caps would be, especially for the Nation's defense. I stood up and just shared what my constituents had described to me. But, nevertheless, the caps went into effect and we agreed, through the early 2020s, to limit in a very significant and tough way both defense and nondefense spending.

So what is the gimmick that is in this NDAA that is on the floor today?

A decision was made that the world has changed since August 2011. ISIL has grown up and is gobbling up acres and square miles of territory. We are battling against Ebola, as we were earlier in the year. North Korea is cyber-attacking major American corporations. Vladimir Putin has moved into Ukraine and is threatening other nations.

There are a lot of challenges. So it was the wisdom first of the President, in submitting the fiscal year 2016 budget, and then of the Armed Services Committee that living under the sequester defense caps was a bad idea. It would be a bad idea for the Nation. But instead of just saying: OK, the caps are a bad idea; let's adjust the cap—which we can do with 60 votes in this body and the concurrence of the House—a decision was made: Let's not adjust the cap, let's end-run the cap.

So we want to exceed the cap. We want to exceed it by \$38 billion in fiscal year 2016. But rather than adjust the cap, let's do this: Let's just take \$38 billion that the Nation needs to be safe, and we will put it in what is called the OCO account, Overseas Contingency Operations. It is something that is not subject to the cap. It is supposed to be used for core warfighting activity. But the \$38 billion does not represent core warfighting.

We spent \$2 billion in the last year, for example, in the war on ISIL. We are not going to spend \$38 billion in the next year. No, instead, we are going to fund all kinds of nonemergency, non-contingency, nonwarfighting expenditures that would require an adjustment of the cap, and we are just going to put them into the OCO account, kind of a

slush fund. By doing that, we end-run the law of Congress, the Budget Control Act.

I asserted, and I strongly believe, that this is dishonest, it is bad for defense, and it is bad for the nondefense accounts. It is dishonest. It is dishonest because, if we need this money for defense, we should fix the budget control caps. That is what we should do. We should not call expenditures for daily operations that are not core warfighting part of the OCO account. That violates the way the OCO account has been treated.

Once we go down that path, we are going to see everything going into the OCO account, and we will really end-run. So we are not being honest with ourselves, but especially, since we all know what the game is, we are not being honest with the public.

Second, putting this money, the \$38 billion, in the OCO account is bad for defense. Defense needs the ability to plan. If we put the money in the OCO account, is it going to be here next year? Is it not going to be here? There is sort of a wink and a nod that it will probably be here. We ought to be acknowledging that these funds are needed in the base defense budget so that our DOD personnel can plan that it will be there in the future, because that is probably our intent. It is bad for defense to put this in this OCO account.

Third, it is bad for the nondefense accounts. If we are going to say that the BCA caps are bad, we should adjust them. Instead of using an end run, let's adjust them. Let's adjust them not just for the defense accounts but also for the nondefense accounts, because, as the Presiding Officer and my colleagues here know, the nondefense accounts are critical to the Nation's defense.

The FBI is nondefense. It is critical to the Nation's defense. Homeland Security is critical to the Nation's defense. In the Department of Energy, much of the research we do is for the reactors on nuclear carriers and nuclear subs. Those get cut by budget caps. They are critical to defense. We ought to be lifting the caps on the non-defense accounts, as well.

So the gimmick that is used is a gimmick. It is dishonest. It hurts defense. It hurts nondefense accounts that are important to the Nation. Good news—there is a solution. We are doing this because we do not like the budget caps. That is why we are doing this. That is why we are using the OCO gimmick. If we don't like the budget caps, we should fix them. We should find the 2015 version of the Murray-Ryan budget deal that was reached in December of 2013, where we agreed to adjust the budget caps. That deal accepted part of sequester. It absorbed sequester cuts. But it also found targeted ways to provide relief, both to defense and non-defense accounts. That is what we should be doing. We should be showing the same leadership that was shown in 2013.

I rise to say that the amendment that my colleague from Rhode Island, our ranking member, proposes does exactly that. It does exactly that. It takes the \$38 billion that is in our budget, which I believe should be spent on defense, and it says that this money should be spent on defense, but it should be spent the right way, as part of a base budget, not as part of OCO.

It puts a fence around those dollars and says that the money is there, and it is there for defense because the Nation needs it. But the fence will keep the money from being utilized until we fix the BCA caps on both the defense and nondefense accounts.

If we do fix the BCA caps, that money will be available. Because of language included by the chair of the committee in the markup, fixing the budget caps would move the money from the OCO account into the defense base budget where it should be. I think we all know what the right answer is here, which is for this \$38 billion to be used to protect the Nation but to be part of the base budget, not the OCO account. To get there we need to fix the BCA caps across the board for defense and nondefense. The Reed amendment would accomplish that. That is the reason that I am on the floor today, to praise the debate on the NDAA but to say this is the right way to keep our Nation safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I ask unanimous consent that at 1:45 p.m. today, the Senate vote in relation to the following amendments: Shaheen No. 1494, spouse definition; Tillis No. 1506, C-130 aircraft; further, that there be no second-degree amendments in order to any of those amendments prior to the votes, and that the Shaheen amendment be subject to a 60-affirmative-vote threshold for adoption.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, on behalf of Senator PAUL of Kentucky, I ask unanimous consent to set aside the pending amendment in order to call up amendment No. 1543.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I rise with my friend from Arizona, Senator FLAKE, to speak about an amendment that he and I and Senator BLUMENTHAL from Connecticut have as part of this pending legislation.

Along with sports fans across America, I was appalled to learn last month that many of the ceremonies honoring members of our armed services at NFL games are not actually being con-

ducted out of a sense of patriotism but for profit in the form of millions of dollars in taxpayers' money going from the Department of Defense to wealthy NFL franchises.

In fact, NFL teams have received nearly \$7 million in taxpayer dollars over the last 3 years from contracts with the Army National Guard, which include public tributes to American soldiers, sailors, airmen, and marines. Our amendment would put an end to this shameful practice and ask the NFL to return those profits to charities supporting our troops, veterans, and their families.

All Americans can agree that sports unite us, especially football. For generations, football has brought together people from every walk of life—from the first organized American football game between Rutgers and Princeton in 1869 to Super Bowl XLIX played in the great State of Arizona this February, which attracted more than 100 million television viewers, the most watched TV program in history.

Football has been a unifying force for our Nation. Every weekend, from pee-wee to high school, college, and the NFL, for good seasons and bad, in common cause and bitter rivalry, millions of passionate fans have bonded together. For many Americans, football is deeply patriotic and woven into the very fabric of our country's unique history and heritage. For several weeks every fall, this patriotic spirit grows when the NFL takes time to honor the service and sacrifice of the brave young Americans serving in the U.S. Armed Forces.

Teams wear special camouflage uniforms, hold special game-day programming under the theme "Salute to Service." We have all been heartened by these patriotic displays, from the giant oversized flags and color guard pregame performances to half time tributes to our hometown heroes. Every fan, whether united by team or divided by rivalry, comes together to thank those who have served and sacrificed on our Nation's behalf.

That is why I and so many other Americans were shocked and disappointed to learn that several NFL teams were not sponsoring these activities out of the goodness of their own hearts but were doing so to make an extra buck, taking money from American taxpayers in exchange for honoring American troops. That means many of the color guard performances and troop recognition ceremonies were actually funded with American tax dollars and pocketed by wealthy NFL teams.

For example, the Army National Guard spent \$675,000 under contracts with the New England Patriots—hardly a deprived franchise—that included a program called "True Patriot," in which the team honored Guard soldiers at half-time shows during home games.

Other contracts funded color guard performances, flag ceremonies, and appearance fees to players for honoring

local high school coaches and visiting students.

According to the information my office has received from the Army National Guard, the NFL received nearly \$7 million in taxpayer dollars over the last 3 years from Guard contracts for activities including: pregame color guard ceremonies, pregame reenlistment ceremonies, pregame onfield American flag rollouts, ingame flag runners, half-time soldier recognition ceremonies, Guard-sponsored high school Player of the Week and Coach of the Week awards, and Guard-sponsored player appearances at local high schools.

The following teams had contracts in the past 3 years, according to the Army National Guard: Atlanta Falcons, \$579,500; Baltimore Ravens, \$350,000; Buffalo Bills, \$550,000; Chicago Bears, \$443,000; Cincinnati Bengals, \$117,000; Dallas Cowboys, \$262,500; Denver Broncos, \$460,000; Detroit Lions, \$193,000; Green Bay Packers, \$300,000; Indianapolis Colts, \$400,000; Miami Dolphins, Tampa Bay Buccaneers, and Jacksonville Jaguars, \$160,000; Minnesota Vikings, \$410,000; New Orleans Saints, \$307,000; New York Jets, \$212,500; Oakland Raiders, \$275,000; Pittsburgh Steelers, \$217,000; St. Louis Rams and Kansas City Chiefs, \$60,000; San Diego Chargers, \$453,500; San Francisco 49ers, \$125,000; and Seattle Seahawks, \$393,500.

What makes these expenditures all the more troubling is at the same time the Guard was spending millions on pro-sports advertising, it was also running out of money for critical training for our troops. In fact, at the end of fiscal year 2014, the National Guard Bureau and Army National Guard announced they were facing a \$101 million shortfall in the account used to pay National Guardsmen and could face a delay in critical training and drills because they couldn't afford to pay soldiers. Despite the fact that the Guard was facing serious threats to meeting its primary mission and paying its current soldiers, it was spending millions of taxpayer dollars on speakership and advertising deals with professional sports leagues, such as the NFL.

This is obviously unacceptable. Providing for our common defense is the highest duty of the Federal Government. At a time of crippling budget cuts under sequestration, the Defense Department cannot afford to waste its limited resources for the benefit of sports leagues that rake in billions of dollars a year. Each of the four service Chiefs have warned before the Senate Armed Services Committee this year that sequestration is damaging our military readiness and putting American lives in danger. We must conserve every precious defense dollar we have at our disposal—which the NDAA does through important reforms to acquisition, military retirement, personnel, headquarters and management, and which our amendment would support by ending taxpayer-funded soldier tributes at professional sporting events.

In addition to ending this shameful practice, this amendment calls upon professional sports leagues like the NFL to donate—to donate—these ill-gotten profits to charities supporting American troops, veterans, and their families.

The NFL raked in revenues totaling some \$9.5 billion. The absolute least they can do to begin to make up for this terrible misjudgment is to return those taxpayer dollars to charities supporting our troops, veterans, and military families.

I thank my fellow Senator from the State of Arizona, JEFF FLAKE, who has done terrific oversight of this issue. He was the first to expose it and similar cases of wasteful and excessive government spending.

I also commend Senator BLUMENTHAL for his longstanding commitment to our troops and veterans, as well as the other Members of this body who have supported our amendment.

Again, I thank JEFF FLAKE, who was first to blow the whistle on this egregious use of American tax dollars, and also Senator BLUMENTHAL.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Madam President, I also thank the senior Senator from Arizona for helping me bring this amendment forward. I am proud to cosponsor it with him and Senator BLUMENTHAL.

I wish to make a couple of points. We have asked the Pentagon for a full accounting, not just NFL teams but other teams that have received such money. We want to make sure this practice stops.

Part of the reason it needs to stop is these teams that were mentioned before by the senior Senator from Arizona and other teams that have received this kind of money do a lot for the military out of the goodness of their heart. They do a lot for the military and for veterans who return, and we shouldn't discount that and don't want to discount that.

The problem is, when some teams are accepting money to do what has been termed "paid-for patriotism," then it cheapens all the other good work that has been done by these sports teams and others. So it is important we stop this practice and make sure that when fans are there and they see this outpouring of support for the military, they know it is genuine—because there is a great deal of patriotism by those who attend these games. We want to make sure people recognize it is done for the right reason, and that is the reason for bringing this amendment forward.

I, again, thank the senior Senator from Arizona for his work on this amendment and other efforts to fight wasteful spending, making sure that the funding that goes to our military and that we appropriate for the Department of Defense—authorize for the Department of Defense—is used for military purposes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I withdraw my request with respect to amendment No. 1543. It is my understanding we will call up this amendment after the votes this afternoon.

The PRESIDING OFFICER. The Senator's request is withdrawn.

The Senator from Rhode Island.

AMENDMENT NO. 1506

Mr. REED. Madam President, I wish to comment briefly on the amendment proposed by my colleague from North Carolina, Senator TILLIS, with respect to the stationing of the C-130 aircraft at Pope Army Airfield in North Carolina.

The amendment states that these aircraft shall be positioned in Pope Army Airfield. They are C-130 Avionics Modernization Program aircraft, the AMP program. Basically, they are C-130H models that were upgraded. In addition, the Air Force has C-130J models, the newest model. In the give-and-take of the budget deliberations over the last few years, this AMP modernization program is essentially curtailed dramatically because the choice was buying new J models or fixing the old H models.

So, in effect, what we have is a group of C-130 modified aircraft that are at Little Rock Air Force Base. They are only being minimally maintained because these AMP-modified aircraft are not standard. They are different from the traditional hotel model, and they are not as new or as modern as the J model, and they are not being supported with AMP-trained crews or AMP-unique logistics. Logistically, they are at Little Rock Air Force Base and sort of caught up in this funding and programmatic dilemma.

They are not fully deployable because of these conditions. They are just sort of additive to the force structure of the C-130J. There are only three that are modified, with five more to be modified. That would be at \$8 million per aircraft for about an additional multimillion dollar pricetag. Therefore, they are not as functional as a unit since there are only three aircraft and not a full complement. To operate these aircraft would require additional resources.

The thrust of the gentleman's amendment is that these aircraft be transferred to Pope Air Force Base in North Carolina, but they would not really be effectively utilized by the forces there and would not, in my view at least, contribute to the training and the real-time operations of the 82nd Airborne Division, the XVIII Airborne Corps, and the special operations forces that are there.

So rather than doing that, what we did in the underlying legislation at section 136 is to go through and quite clearly have a careful review of the adequacy of aircraft to support operations of the paratroop forces at Fort Bragg so that the Air Force is fully

supportive of this very important issue. The 82nd is America's most ready Army force, and of course we know special forces operators are all across the globe constantly.

So my comments are that this amendment would not essentially help what I think is the underlying goal, which is to ensure that our airborne forces have the platforms necessary. It would, in fact, restrict the flexibility of the Air Force in terms of using C-130 aircraft. It would practically have the effect of simply taking aircraft that because of their modification and their nonstandardization are being parked at Little Rock and moving them without effect, I think, on the operational capacity and capabilities of our airborne forces.

So as a result, I believe our best approach is to stay with the language in the underlying bill, section 136, which—to the credit of Senator TILLIS, he was very adamant about including—would have a careful review of the operational capacity of the Air Force to support the airborne operations.

It would include the ability of commanders from the corps level, XVIII Airborne Corps, 82nd, Special Operations Command, to comment effectively on whether the Air Force was doing this. After such a review and analysis, we could make better decisions about the allocation of the Air Force aircraft.

Again, ironically—and again it strikes me that simply moving these aircraft—which are sort of one-of-a-kind aircraft—to Pope would not help the airborne operations of our military forces. They would simply involve additional cost, and they would not be part of the ability of our Air Force and our mobility command to support a wide range of missions. They would complicate, rather than simplify, our ability to respond.

So for that, when this vote, which is scheduled later today, comes up for a vote, I will oppose it, and I will do so because I believe—in the underlying legislation, through the work of Senator TILLIS particularly—we have an appropriate response to the issue of flexibility, mobility, and operational capacity of our airborne forces at Fort Bragg.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRIEVING FOR THE BIDEN FAMILY

Mr. NELSON. Mr. President, when a child predeceases the parent, it is a grievous occasion, and we have been grieving for the President of the Senate, the Vice President of the United States, for what he has been going through—his whole family.

It is my belief JOE BIDEN has known for some period of time the progression of his son, Beau's, cancer and, as a result, he has continued to carry on his public duties while at the same time carrying this huge burden.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech JOE BIDEN made to the Yale graduating class about 2 weeks ago on Class Day.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE VICE PRESIDENT AT YALE UNIVERSITY CLASS DAY, YALE UNIVERSITY, NEW HAVEN, CONNECTICUT

THE VICE PRESIDENT: Hello, Yale! (Applause.) Great to see you all. (Applause.) Thank you very, very much.

Jeremy and Kiki, the entire Class of 2015, congratulations and thank you for inviting me to be part of this special day. You're talented. You've worked hard, and you've earned this day.

Mr. President, faculty, staff, it's an honor to be here with all of you.

My wife teaches full-time. I want you to know that—at a community college, and has attended 8,640 commencements and/or the similar versions of Class Day, and I know they can hardly wait for the speaker to finish. (Laughter.) But I'll do my best as quickly as I can.

To the parents, grandparents, siblings, family members, the Class of 2015—congratulations. I know how proud you must be. But, the Class of 2015, before I speak to you—please stand and applaud the ones who loved you no matter what you're wearing on your head and who really made this day happen. (Laughter and applause.) I promise you all this is a bigger day for them than it is for you. (Laughter.)

When President Obama asked me to be his Vice President, I said I only had two conditions: One, I wouldn't wear any funny hats, even on Class Day. (Laughter.) And two, I wouldn't change my brand. (Applause.)

Now, look, I realize no one ever doubts I mean what I say, the problem occasionally is I say all that I mean. (Laughter.) I have a bad reputation for being straight. Sometimes an inappropriate times. (Laughter.) So here it goes. Let's get a couple things straight right off the bat: Corvettes are better than Porsches; they're quicker and they corner as well. (Laughter and applause.) And sorry, guys, a cappella is not better than rock and roll. (Laughter and applause.) And your pundits are better than Washington pundits, although I've noticed neither has any shame at all. (Laughter and applause.) And all roads lead to Toads? Give me a break. (Laughter and applause.) You ever tried it on Monday night? (Laughter.) Look, it's tough to end a great men's basketball and football season. One touchdown away from beating Harvard this year for the first time since 2006—so close to something you've wanted for eight years. I can only imagine how you feel. (Laughter.) I can only imagine. (Applause.) So close. So close.

But I got to be honest with you, when the invitation came, I was flattered, but it caused a little bit of a problem in my extended family. It forced me to face some hard truths. My son, Beau, the attorney general of Delaware, my daughter, Ashley Biden, runs a nonprofit for criminal justice in the state, they both went to Penn. My two nieces graduated from Harvard, one an all-American. All of them think my being here was a very bad idea. (Laughter.)

On the other hand, my other son, Hunter, who heads the World Food Program USA,

graduated from Yale Law School. (Applause.) Now, he thought it's a great idea. But then again, law graduates always think all of their ideas are great ideas. (Laughter.)

By the way, I've had a lot of law graduates from Yale work for me. That's not too far from the truth. But anyway, look, the truth of the matter is that I have a lot of staff that are Yale graduates, several are with me today. They thought it was a great idea that I speak here.

As a matter of fact, my former national security advisor, Jake Sullivan, who is teaching here at Yale Law School, trained in international relations at Yale College, edited the Yale Daily News, and graduated from Harvard—excuse me, Freudian slip—Yale Law School. (Laughter.) You're lucky to have him. He's a brilliant and decent and honorable man. And I miss him. And we miss him as my national security advisor.

But he's not the only one. My deputy national security advisor, Jeff Prescott, started and ran the China Law Center at Yale Law School. My Middle East policy advisor and foreign policy speechwriter, Dan Benaim, who is with me, took Daily Themes—got a B. (Laughter.) Now you know why I go off script so much. (Laughter and applause.)

Look, at a Gridiron Dinner not long ago, the President said, I—the President—"I am learning to speak without a teleprompter. Joe is learning to speak with one." (Laughter.) But if you looked at my speechwriters, you know why.

And the granddaughter of one of my dearest friends in life—a former Holocaust survivor, a former foreign policy advisor, a former Chairman of the House Committee on Foreign Affairs, Congressman Tom Lantos—is graduating today. Mercina, congratulations, kiddo. (Applause.) Where are you? You are the sixth—she's the sixth sibling in her immediate family to graduate from Yale. Six out of 11, that's not a bad batting average. (Laughter.) I believe it's a modern day record for the number of kids who went to Yale from a single family.

And, Mercina, I know that your mom, Little Annette is here. I don't know where you are, Annette. But Annette was part of the first class of freshman women admitted to Yale University. (Applause.)

And her grandmother, Annette, is also a Holocaust survivor, an amazing woman; and both I'm sure wherever they are, beaming today. And I know one more thing, Mercina, your father and grandfather are looking down, cheering you on.

I'm so happy to be here on your day and all of your day. It's good to know there's one Yale who is happy I'm being here—be here, at least one. (Laughter.) On "Overheard at Yale," on the Facebook page, one student reported another student saying: I had a dream that I was Vice President and was with the President, and we did the disco funk dance to convince the Congress to restart the government. (Laughter.)

Another student commented, Y'all know Biden would be hilarious, get funky. (Laughter.)

Well, my granddaughter, Finnegan Biden, whose dad went here, is with me today. When she saw that on the speech, I was on the plane, Air Force Two coming up, she said, Pop, it would take a lot more than you and the President doing the disco funk dance. The Tea Party doesn't even know what it is. (Laughter.)

Look, I don't know about that. But I'm just glad there's someone—just someone—who dreams of being Vice President. (Laughter and applause.) Just somebody. I never had that dream. (Laughter.) For the press out there, that's a joke.

Actually, being Vice President to Barack Obama has been truly a great honor. We both

enjoy getting out of the White House to talk to folks in the real America—the kind who know what it means to struggle, to work hard, to shop at Kiko Milano. (Laughter and applause.) Great choice. (Laughter.)

I just hope to hell the same people responsible for Kiko's aren't in charge of naming the two new residential colleges. (Laughter and applause.)

Now, look, folks, I spent a lot of time thinking about what I should say to you today, but the more I thought about it, I thought that any Class Day speech is likely to be redundant. You already heard from Jessie J at Spring Fling. (Laughter.) So what in the hell could I possibly say. (Laughter.)

Look, I'm deeply honored that Jeremy and Kiki selected me. I don't know how the hell you trusted them to do that. (Laughter.) I hope you agree with their choice. Actually I hope by the end of this speech, they agree with their choice. (Laughter.)

In their flattering invitation letter, they asked me to bring along a sense of humor, speak about my commitment to public service and family, talk about resiliency, compassion, and leadership in a changing world. Petty tall order. (Laughter.) I probably already flunked the first part of the test.

But with the rest let me say upfront, and I mean this sincerely, there's nothing particularly unique about me. With regard to resilience and compassion, there are countless thousands of people, maybe some in the audience, who've suffered through personal losses similar to mine or much worse with much less support to help them get through it and much less reason to want to get through it.

It's not that all that difficult, folks, to be compassionate when you've been the beneficiary of compassion in your lowest moments not only from your family, but from your friends and total strangers. Because when you know how much it meant to you, you know how much it mattered. It's not hard to be compassionate.

I was raised by a tough, compassionate Irish lady named Catherine Eugenia Finnegan Biden. And she taught all of her children that, but for the grace of God, there go you—but for the grace of God, there go you.

And a father who lived his motto that, family was the beginning, the middle, and the end. And like many of you and your parents, I was fortunate. I learned early on what I wanted to do, what fulfilled me the most, what made me happy—my family, my faith, and being engaged in the public affairs that gripped my generation and being inspired by a young President named Kennedy—civil rights, the environment, trying to end an incredibly useless and divisive war, Vietnam.

The truth is, though, that neither I, nor anyone else, can tell you what will make you happy, help you find success.

You each have different comfort levels. Everyone has different goals and aspirations. But one thing I've observed, one thing I know, an expression my dad would use often, is real. He used to say, it's a lucky man or woman gets up in the morning—and I mean this sincerely. It was one of his expressions. It's a lucky man or woman gets up in the morning, puts both feet on the floor, knows what they're about to do, and thinks it still matters.

I've been lucky. And my wish for all of you is that not only tomorrow, but 20 and 40 and 50 years from now, you've found that sweet spot, that thing that allows you to get up in the morning, put both feet on the floor, go out and pursue what you love, and think it still matters.

Some of you will go to Silicon Valley and make great contributions to empower individuals and societies and maybe even design



a life-changing app, like how to unsubscribe to Obama for America email list—(laughter)—the biggest “pan-list” of all times.

Some of you will go to Wall Street and big Wall Street law firms, government and activism, Peace Corps, Teach for America. You’ll become doctors, researchers, journalists, artists, actors, musicians. Two of you—one of whom was one of my former interns in the White House, Sam Cohen, and Andrew Heymann—will be commissioned in the United States Navy. Congratulations, gentlemen. We’re proud of you. (Applause.)

But all of you have one thing in common you will all seek to find that sweet spot that satisfies your ambition and success and happiness.

I’ve met an awful lot of people in my career. And I’ve noticed one thing, those who are the most successful and the happiest—whether they’re working on Wall Street or Main Street, as a doctor or nurse, or as a lawyer, or a social worker, I’ve made certain basic observation about the ones who from my observation wherever they were in the world were able to find that sweet spot between success and happiness. Those who balance life and career, who find purpose and fulfillment, and where ambition leads them.

There’s no silver bullet, no single formula, no reductive list. But they all seem to understand that happiness and success result from an accumulation of thousands of little things built on character, all of which have certain common features in my observation.

First, the most successful and happiest people I’ve known understand that a good life at its core is about being personal. It’s about being engaged. It’s about being there for a friend or a colleague when they’re injured or in an accident, remembering the birthdays, congratulating them on their marriage, celebrating the birth of their child. It’s about being available to them when they’re going through personal loss. It’s about loving someone more than yourself, as one of your speakers have already mentioned. It all seems to get down to being personal.

That’s the stuff that fosters relationships. It’s the only way to breed trust in everything you do in your life.

Let me give you an example. After only four months in the United States Senate, as a 30-year-old kid, I was walking through the Senate floor to go to a meeting with Majority Leader Mike Mansfield. And I witnessed another newly elected senator, the extremely conservative Jesse Helms, excoriating Ted Kennedy and Bob Dole for promoting the precursor of the Americans with Disabilities Act. But I had to see the Leader, so I kept walking.

When I walked into Mansfield’s office, I must have looked as angry as I was. He was in his late ’70s, lived to be 100. And he looked at me, he said, what’s bothering you, Joe?

I said, that guy, Helms, he has no social redeeming value. He doesn’t care—I really mean it—I was angry. He doesn’t care about people in need. He has a disregard for the disabled.

Majority Leader Mansfield then proceeded to tell me that three years earlier, Jesse and Dot Helms, sitting in their living room in early December before Christmas, reading an ad in the Raleigh Observer, the picture of a young man, 14-years-old with braces on his legs up to both hips, saying, all I want is someone to love me and adopt me. He looked at me and he said, and they adopted him, Joe.

I felt like a fool. He then went on to say, Joe, it’s always appropriate to question another man’s judgment, but never appropriate to question his motives because you simply don’t know his motives.

It happened early in my career fortunately. From that moment on, I tried to

look past the caricatures of my colleagues and try to see the whole person. Never once have I questioned another man’s or woman’s motive. And something started to change. If you notice, every time there’s a crisis in the Congress the last eight years, I get sent to the Hill to deal with it. It’s because every one of those men and women up there—whether they like me or not—know that I don’t judge them for what I think they’re thinking.

Because when you question a man’s motive, when you say they’re acting out of greed, they’re in the pocket of an interest group, et cetera, it’s awful hard to reach consensus. It’s awful hard having to reach across the table and shake hands. No matter how bitterly you disagree, though, it is always possible if you question judgment and not motive.

Senator Helms and I continued to have profound political differences, but early on we both became the most powerful members of the Senate running the Foreign Relations Committee, as Chairmen and Ranking Members. But something happened, the mutual defensiveness began to dissipate. And as a result, we began to be able to work together in the interests of the country. And as Chairman and Ranking Member, we passed some of the most significant legislation passed in the last 40 years.

All of which he opposed—from paying tens of millions of dollars in arrearages to an institution, he despised, the United Nations—he was part of the so-called “black helicopter” crowd; to passing the chemical weapons treaty, constantly referring to, “we’ve never lost a war, and we’ve never won a treaty,” which he vehemently opposed. But we were able to do these things not because he changed his mind, but because in this new relationship to maintain it is required to play fair, to be straight. The cheap shots ended. And the chicanery to keep from having to being able to vote ended—even though he knew I had the votes.

After that, we went on as he began to look at the other side of things and do some great things together that he supported like PEPFAR—which by the way, George W. Bush deserves an overwhelming amount of credit for, by the way, which provided treatment and prevention HIV/AIDS in Africa and around the world, literally saving millions of lives.

So one piece of advice is try to look beyond the caricature of the person with whom you have to work. Resist the temptation to ascribe motive, because you really don’t know—and it gets in the way of being able to reach a consensus on things that matter to you and to many other people.

Resist the temptation of your generation to let “network” become a verb that saps the personal away, that blinds you to the person right in front of you, blinds you to their hopes, their fears, and their burdens.

Build real relationships—even with people with whom you vehemently disagree. You’ll not only be happier. You will be more successful.

The second thing I’ve noticed is that although you know no one is better than you, every other persons is equal to you and deserves to be treated with dignity and respect.

I’ve worked with eight Presidents, hundreds of Senators. I’ve met every major world leader literally in the last 40 years. And I’ve had scores of talented people work for me. And here’s what I’ve observed: Regardless of their academic or social backgrounds, those who had the most success and who were most respected and therefore able to get the most done were the ones who never confused academic credentials and societal sophistication with gravitas and judgment.

Don’t forget about what doesn’t come from this prestigious diploma—the heart to know what’s meaningful and what’s ephemeral; and the head to know the difference between knowledge and judgment.

But even if you get these things right, I’ve observed that most people who are successful and happy remembered a third thing: Reality has a way of intruding.

I got elected in a very improbable year. Richard Nixon won my state overwhelmingly. George McGovern was at the top of the ticket. I got elected as the second-youngest man in the history of the United States to be elected, the stuff that provides and fuels raw ambition. And if you’re not careful, it fuels a sense of inevitability that seeps in. But be careful. Things can change in a heartbeat. I know. And so do many of your parents.

Six weeks after my election, my whole world was altered forever. While I was in Washington hiring staff, I got a phone call. My wife and three children were Christmas shopping, a tractor trailer broadsided them and killed my wife and killed my daughter. And they weren’t sure that my sons would live.

Many people have gone through things like that. But because I had the incredible good fortune of an extended family, grounded in love and loyalty, imbued with a sense of obligation imparted to each of us, I not only got help. But by focusing on my sons, I found my redemption.

I can remember my mother—a sweet lady—looking at me, after we left the hospital, and saying, Joey, out of everything terrible that happens to you, something good will come if you look hard enough for it. She was right.

The incredible bond I have with my children is the gift I’m not sure I would have had, had I not been through what I went through. Who knows whether I would have been able to appreciate at that moment in my life, the heady moment in my life, what my first obligation was.

So I began to commute—never intending to stay in Washington. And that’s the God’s truth. I was supposed to be sworn in with everyone else that year in ’73, but I wouldn’t go down. So Mansfield thought I’d change my mind and not come, and he sent up the secretary of the Senate to swear me in, in the hospital room with my children.

And I began to commute thinking I was only going to stay a little while—four hours a day, every day—from Washington to Wilmington, which I’ve done for over 37 years. I did it because I wanted to be able to kiss them goodnight and kiss them in the morning the next day. No, “Ozzie and Harriet” breakfast or great familial thing, just climb in bed with them. Because I came to realize that a child can hold an important thought, something they want to say to their mom and dad, maybe for 12 or 24 hours, and then it’s gone. And when it’s gone, it’s gone. And it all adds up.

But looking back on it, the truth be told, the real reason I went home every night was that I needed my children more than they needed me. Some at the time wrote and suggested that Biden can’t be a serious national figure. If he was, he’d stay in Washington more, attend to more important events. It’s obvious he’s not serious. He goes home after the last vote.

But I realized I didn’t miss a thing. Ambition is really important. You need it. And I certainly have never lacked in having ambition. But ambition without perspective can be a killer. I know a lot of you already understand this. Some of you really had to struggle to get here. And some of you have had to struggle to stay here. And some of your families made enormous sacrifices for this great privilege. And many of you faced your own crises, some unimaginable.

But the truth is all of you will go through something like this. You'll wrestle with these kinds of choices every day. But I'm here to tell you, you can find the balance between ambition and happiness, what will make you really feel fulfilled. And along the way, it helps a great deal if you can resist the temptation to rationalize.

My chief of staff for over 25 years, one of the finest men I've ever known, even though he graduated from Penn, and subsequently became a senator from the state of Delaware, Senator Ted Kaufman, every new hire, that we'd hire, the last thing he'd tell them was, and remember never underestimate the ability of the human mind to rationalize. Never underestimate the ability of the human mind to rationalize—her birthday really doesn't matter that much to her, and this business trip is just a great opportunity; this won't be his last game, and besides, I'd have to take the redeye to get back. We can always take this family vacation another time. There's plenty of time.

For your generation, there's an incredible amount of pressure on all of you to succeed, particularly now that you have accomplished so much. Your whole generation faces this pressure. I see it in my grandchildren who are honors students at other Ivy universities right now. You race to do what others think is right in high school. You raced through the bloodsport of college admissions. You raced through Yale for the next big thing. And all along, some of you compare yourself to the success of your peers on Facebook, Instagram, Linked-In, Twitter.

Today, some of you may have found that you slipped into the self-referential bubble that validates certain choices. And the bubble expands once you leave this campus, the pressures and anxiousness, as well—take this job, make that much money, live in this place, hang out with people like you, take no real risks and have no real impact, while getting paid for the false sense of both.

But resist that temptation to rationalize what others view is the right choice for you—instead of what you feel in your gut is the right choice—that's your North Star. Trust it. Follow it. You're an incredible group of young women and men. And that's not hyperbole. You're an incredible group.

Let me conclude with this. I'm not going to moralize about to whom much is given, much is expected, because most of you have made of yourself much more than what you've been given. But now you are in a privileged position. You're part of an exceptional generation and doors will open to you that will not open to others. My Yale Law School grad son graduated very well from Yale Law School. My other son out of loyalty to his deceased mother decided to go to Syracuse Law School from Penn. They're a year and a day apart in their age. The one who graduated from Yale had doors open to him, the lowest salary offered back in the early '90s was \$50,000 more than a federal judge made. My other son, it was a struggle—equally as bright, went on to be elected one of the youngest attorney generals in the history of the state of Delaware, the most popular public official in my state. Big headline after the 2012 election, "Biden Most Popular Man in Delaware—Beau." (Laughter.)

And as your parents will understand, my dad's definition of success is when you look at your son and daughter and realize they turned out better than you, and they did. But you'll have opportunities. Make the most of them and follow your heart. You have the intellectual horsepower to make things better in the world around you.

You're also part of the most tolerant generation in history. I got roundly criticized because I could not remain quiet anymore about gay marriage. The one thing I was cer-

tain of is all of your generation was way beyond that point. (Applause.)

Here's something else I observed—intellectual horsepower and tolerance alone does not make a generation great: unless you can break out of the bubble of your own making—technologically, geographically, racially, and socioeconomically—to truly connect with the world around you. Because it matters.

No matter what your material success or personal circumstance, it matters. You can't breathe fresh air or protect your children from a changing climate no matter what you make. If your sister is the victim of domestic violence, you are violated. If your brother can't marry the man he loves, you are lessened. And if your best friend has to worry about being racially profiled, you live in a circumstance not worthy of us. (Applause.) It matters.

So be successful. I sincerely hope some of you become millionaires and billionaires. I mean that. But engage the world around you because you will be more successful and happier. And you can absolutely succeed in life without sacrificing your ideals or your commitments to others and family. I'm confident that you can do that, and I'm confident that this generation will do it more than any other.

Look to your left, as they say, and look to your right. And remember how foolish the people next to you look—(laughter)—in those ridiculous hats. (Laughter.) That's what I want you to remember. I mean this. Because it means you've learned something from a great tradition.

It means you're willing to look foolish, you're willing to run the risk of looking foolish in the service of what matters to you. And if you remember that, because some of the things your heart will tell you to do, will make you among your peers look foolish, or not smart, or not sophisticated. But we'll all be better for people of your consequence to do it.

That's what I want you to most remember. Not who spoke at the day you all assembled on this mall. You're a remarkable class. I sure don't remember who the hell was my commencement speaker. (Laughter.) I know this is not officially commencement. But ask your parents when you leave here, who spoke at your commencement? It's a commencement speaker aversion of a commencement speaker's fate to be forgotten. The question is only how quickly. But you're the best in your generation. And that is not hyperbole. And you're part of a remarkable generation.

And, you—you're on the cusp of some of the most astonishing breakthroughs in the history of mankind—scientific, technological, socially—that's going to change the way you live and the whole world works. But it will be up to you in this changing world to translate those unprecedented capabilities into a greater measure of happiness and meaning—not just for yourself, but for the world around you.

And I feel more confident for my children and grandchildren knowing that the men and women who graduate here today, here and across the country, will be in their midst. That's the honest truth. That's the God's truth. That's my word as a Biden.

Congratulations, Class of 2015. And may God bless you and may God protect our troops. Thank you.

Mr. NELSON. Mr. President, it is noteworthy that the Vice President discussed very frankly the tragedy he has had in his life, all while knowing of this impending tragedy that was unfolding with his son, Beau. The speech was vintage Biden, with a lot of humor and Irish tales, but the essence of the

speech came down to this, as he was talking to the graduates:

Build real relationships—even with people with whom you vehemently disagree. You'll not only be happier. You will be more successful.

And he continued:

The second thing I've noticed is that although you know no one is better than you, every other person is equal to you and deserves to be treated with dignity and respect.

That is the essence of how in a democracy we have to get along. It is known as the Golden Rule. JOE BIDEN talked about the Golden Rule without saying it was the Golden Rule—treat others as you want to be treated. Put into old English: Do unto others as you would have them do unto you.

The Vice President talks in his speech about his time as a young Senator, when he heard Senator Jesse Helms talking about an issue that Senator BIDEN was opposed to. He felt it was violative of his basic concept in the treatment of other people. In this case, I think it was a question of disability. As he walked in to see the majority leader—probably in that same office, in this case, Mike Mansfield—Senator Mansfield, the leader, noticed that JOE was visibly upset and he said: What is wrong? And JOE told him about this encounter with Senator Helms.

Senator Mansfield then went on to say to Senator BIDEN: Don't ever judge until you really know the person, because Senator Helms and his wife had run into a situation where they found a severely disabled child and, as a result, they adopted that child.

As a result, Senator BIDEN and Senator Helms became the best of friends. Even though their politics were different, when they served as the leaders of the Senate Foreign Relations Committee—sometimes Helms as chairman and sometimes BIDEN as chairman—they could disagree on the issues, but they could get a lot done because they could work together. That is because they built a relationship.

How different is that today, where each of us are racing out of here on Thursday afternoons and evenings to go back to our States and we hardly ever have time for each other, to understand the core of us as humans and what makes us, drives us as we are. If we knew that about each other, maybe we would find more common ground.

What I have found is that every one of these Senators is an extraordinary person, extremely accomplished, and well motivated. They try, we all try to do the right thing, but then we let the politics and the ideology get in the way and it drives us apart. As a result, is it any wonder that we have a dysfunctional Senate that has difficulty getting along, particularly when you consider the arcane rules of the Senate, which were designed to slow down the process.

When you don't have the relationship that can be built, when the two leaders can't get along, when the Senate cannot be run by unanimous consent, is

there any wonder that it is dysfunctional? Yet, we have the capacity, just as Senator BIDEN and Senator Helms did, to overcome significant differences and get things done.

At this time of grieving for the Biden family, as I read his Yale speech, I was reminded that there is a lot about what was expressed there in a grieving father who could not show his grief because it was still very private. There is a lot of wisdom there. That is why I entered it into the RECORD.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. KING. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### EXPORT-IMPORT BANK

Mr. KING. Madam President, I rise today to discuss two important issues—first, the Export-Import Bank.

There is a lot about this place that puzzles me, but one of the things that this year has puzzled me the most is the movement to somehow defund or end the Export-Import Bank. I just don't get it. This is an agency of the Federal Government that has been extraordinarily effective. It creates jobs in the United States. It supports jobs. It supports American businesses. It supports small American businesses. It returns money to the Treasury. It fills a market niche that the private sector has been unwilling or unable to fill. This isn't competition with the private sector. This isn't the government doing something the private sector should do. This is the government filling a niche that has been identified for over 80 years. And it makes a difference.

I have visited several small companies in Maine—I think there may be eight or so—that benefit directly from this program, which supports 2 percent of the financing of U.S. exports.

We are engaged in intense global competition for the export of goods and services, and to unilaterally disarm by taking away one of the tools our businesses use just doesn't make any sense. I don't understand what the impetus is for this move to undermine this very valuable program that is important to our companies.

I toured a little company in Maine that resells computer and networking equipment all over the world, particularly to third-world countries that need this equipment desperately for various needs but particularly for coping with emergencies. It is a small business in Maine, has 35 employees, and is owned by a woman, Connie Justice. I visited with her, and she told me this story. I don't like to read, but I think this quote is so powerful from a real live business owner in Maine as to how important this program is.

Ex-Im's Working Capital Loan Guarantee program helped us expand our export sales

during a period of rapid growth, when private banks were unwilling to lend to us without a guarantee.

This is important to understand, that one of the most important programs the Export-Import Bank sponsors is a guarantee of receivables from foreign countries, which American banks—quite logically in many cases because they don't have the history, they can't collect—are very reluctant to factor or to finance.

She said:

After 2 years of solid exports, our financial position strengthened so that the Ex-Im guarantee was no longer needed. Private banks now meet all our credit needs. Our expansion and increased sales would have been impossible without Ex-Im's involvement. We continue to use Ex-Im Bank to insure our receivables to Ex-Im approved customers in developing countries. We pay reasonable premiums for this insurance.

This program makes money for the Federal government. This isn't a hand-out. This isn't corporate welfare. They are paying insurance premiums, which, over the past 20 years or so, have returned \$7 billion to the U.S. Treasury. This makes money. She pays her premiums, and that is a positive for U.S. taxpayers.

Being able to offer open payment terms for U.S.-made goods opens previously inaccessible markets for us. Our major manufacturers—including HP, Dell and Lenovo—have committed to making more systems domestically to comply with Ex-Im's "Made in USA" requirement for eligibility. This has a huge multiplier effect on US employment. . . . Since 2004, Planson's annual export sales have grown from \$5 million to \$35 million. Our staff has grown from 5 to 35, and our payroll has increased to almost \$2 million. We use local suppliers for a broad range of goods and services.

She goes on to conclude:

We achieve all this entirely through export sales. The U.S. Export-Import Bank is a key partner in our success.

Why would we want to let this very valuable program expire for some theoretical reason that, frankly, I just find inexplicable? It makes money for the American taxpayers. It is projected to continue to make money. But my passion here is about its support for small businesses in Maine that otherwise could not make these sales into the international market.

As I mentioned, allowing the Export-Import Bank charter to expire is a kind of unilateral disarmament in an era of intense global competition. It makes no sense. Sixty other countries have similar kinds of programs, and if we take ours away, what we are doing is handcuffing our businesses while the rest of the world is moving forward with their programs to support exports.

I used to start speeches in Maine by saying, simply, "Five percent." People would look at me and say: What is he talking about, 5 percent? Well, 5 percent is the percentage of the world's population that lives in North America. That means that if our businesses are going to ultimately be successful, we have to sell into the rest of the

world. We have to be able to export, and the Export-Import Bank is a very valuable tool in order to facilitate the export of goods from the United States.

There is bipartisan support. I believe the votes are there in the House. Senator MCCONNELL has committed to a vote here in the Senate. I commend Senator CANTWELL and Senator GRAHAM for their work on behalf of this.

I hope we can bring this matter to a vote promptly and avoid the deadline of June 30. I do not know why we cannot do things around here before the night before. Let's get this done and move on to more important topics. We should not even be having this debate. This ought to be automatic, as, indeed, it has effectively been for some 80 years.

I hope my colleagues will join me in support of this program. We should not be playing games with this important agency at a time of such intense global competition.

Madam President, I also wish to talk about the national defense authorization bill, which is also coming to the floor today and is on the floor today.

Sixty-five years ago this week a freshman Senator from Maine rose on this floor, in this place, and made one of the most important speeches in American history. It certainly was one of the most important speeches of the 20th century. It was June 1, 1950. That freshman Senator was Margaret Chase Smith of Maine. I got to know Margaret Chase Smith after she left the Senate, in the 1980s and 1990s in Maine, before we lost her in 1995.

She told me about that speech. The speech was about the dangers to the country and, particularly, to this institution of the practices of Joseph McCarthy, of the smear campaigns, of the innuendo, of the threats. Her speech took enormous courage. She told me two stories about the speech that I think are interesting that I want to note before I go on to the implications of that speech for what we are considering today.

One was that, as she had the speech in her hand and got on the little trolley to come from the Russell Building over here—at that time the Russell Building was the only Senate office building—who should be sitting in the trolley in the seat next to her but Joe McCarthy. Senator Smith sat down and McCarthy turned to her and said: What are you up to today, Margaret?

She told me that she responded: I am about to make a speech, Joe, and you are not going to like it.

She went on to the Senate floor. She had written that speech with her close aide Bill Lewis at her kitchen table in Skowhegan, ME, over Memorial Day weekend of 1950. She had the speech in her hand, and Bill Lewis was in the press gallery right up here. But she told him not to hand out a copy of the speech until she was well into giving it on the Senate floor because she was afraid that she would lose her nerve and not deliver the speech.

That speech took enormous courage. It took enormous courage because she was telling her colleagues an uncomfortable truth—an uncomfortable truth. I believe that today it is also important that we face uncomfortable truths.

I am a strong supporter of the National Defense Authorization Act that is on the floor. I am a strong supporter of the need and the importance and how crucial that bill is to the defense and the security of this country. The most solid responsibility we have in this place is set forth in the preamble to the Constitution itself: to “provide for the common defense” and “insure domestic Tranquility.” That is what governments are established to do. That is the basic fundamental responsibility—to “provide for the common defense” and “insure domestic Tranquility.”

That is national security. That is what this bill that is on the floor today is all about. I worked in subcommittee on it. I have been to numerous, repeated hearings, as the Presiding Officer has, all through the winter and early spring, where we learned about the strategic challenges facing this country. I commend the chair of the committee for putting this in a strategic context. We talked about big issues with people such as Henry Kissinger and Brzezinski and Madeleine Albright before we started talking about the specifics that are in this bill. And then we had lengthy subcommittee meetings and subcommittee markups.

For me, one of the most satisfying parts of my legislative experience here has been the markup of this bill, where we met as a committee, where we argued and debated and voted and had a lot of amendments and tried to deal with it for 2 solid days and came to a conclusion, where, as I recall, the vote out of the committee was something like 22 to 4. It was a very powerful vote.

I am in total support of this piece of legislation. However, my problem with the legislation is that it attempts to avoid the impact of the sequester through the use of the overseas contingency account money, which is not paid for.

We have had hearings. Every hearing we have had this year has been talking about the danger of the sequester to national security. Indeed, I have been working with a number of my colleagues to try to find a solution for the sequester, but the solution for the sequester is not simply to borrow the money from our grandchildren. What bothers me about this legislation is that it is part of a pattern. When the chips are down around here, we borrow the money from our grandchildren. If 5-year-olds could vote and knew what we were doing to them, we would all be dead ducks because we are passing the bill on to them. I think we should fully fund the Department of Defense and the request at the level that is in this

bill. I just do not think we should borrow the money to do it.

Make no mistake, that is what we are doing. We are saying it is very important, these are important expenditures, and it is critical for national defense that we make these expenditures but not critical enough to pay for them. That is the pattern.

Earlier this year we passed the so-called tax extenders. They ought to be called tax-cut extenders because that is what they are. Everybody said they were important to economic development and they were important for the country and important for certainty for businesses. All that was true, but it was not enough to pay for them. We borrowed the money.

Last year we passed a major rewrite of the Veterans' Administration program, where everybody talked about how important this was, how important the Veterans Affairs Department was to our veterans, how much we owed our veterans, and how we had to take care of this. But then we turned around and borrowed the money from our grandchildren in order to fund it. We did not fund it.

Recently, just in the last month or so, we fixed the so-called doc fix, which has been plaguing this place for a dozen years. But we did not really fix it. We fixed it as far as the docs are concerned, but we fixed it by borrowing the money. We did not pay for it.

Many of my colleagues talk a lot around here about the deficit and the danger to the country. I think they are right. I think the deficit is a serious danger to this country. But it seems that the deficit is only a problem when we think it is a problem, and then the next day, it is not a problem anymore because we are going to borrow \$38 billion more to put into this bill.

I think we need to stand up and pay for things. I am no angel. I voted for all those things that I listed. But I think it is time to start saying: Wait a minute; we cannot do this. By the way, by fixing the sequester in the Department of Defense, of course, we are not fixing it anywhere else in the Federal Government. Some people say: Well, that is OK because defense is important, and we are not so worried about these other programs. Well, I am sorry, but some of those other programs are little items such as the FBI. There has never been a time in the history of this country when the FBI was more important.

We are facing serious, dangerous imminent threats. To not fund the FBI or the Border Patrol or the TSA and to have the sequester affect those agencies and kid ourselves that we are dealing with our national security responsibilities is just not responsible. It is just not right. And to borrow the money to fix some of these things is not responsible or fair to our grandchildren.

We are saying: We are just going to fix defense with this funny-money deal, a gimmick wrapped up in a trick, but

we are not going to fix anything else. I talked about the FBI, the TSA, Border Patrol, and national security issues, but what about NIH and what about scientific research that can save lives? And we are having the sequester and saying: It is OK; we can do that. What about education? What about, yes, Head Start, which gives young people a chance to make a serious contribution to this country?

I think the OCO trick that is in this bill is wrong on two counts. It is wrong on three counts, actually. No. 1, it is not paid for. No. 2 it is not really what the Defense Department needs. They need base budget authority so they can plan, so they can look to the future, and so they can make decisions on an ongoing basis that are necessary to commit to programs, plans, and projects that will defend this country. The short-term OCO solution does not do that. That is No. 2.

No. 3, by ignoring the needs of the rest of the Federal Government, by ignoring the needs of other parts of the national security apparatus, we are not serving the public we were sent here to look after.

I support this bill, but I think we really ought to be thinking about alternative ways to fund the needs we have identified. It is too easy to say this is an important national priority but not important enough to pay for it. We are continually—even today, after all of the talk about deficits and budget control and everything else—finding ways to shift the burden to our kids and to our grandchildren. I do not think that is right.

Senator REED of Rhode Island has an amendment to this bill that I think is an important one. All it simply says is that we are not going to spend that OCO money in defense until we solve the problem more generally throughout the rest of the Federal Government.

I realize it is not the responsibility of the Defense Department or of the Armed Services Committee to solve the overall budget problem within the Defense bill. But I think we have a responsibility to look at the larger problem, and we can contribute to its solution by saying to our colleagues throughout this body and in the House that there has to be a comprehensive solution before we say we are going to fix only defense and we are only going to fix defense with borrowed money.

There are three ways to solve this budget problem—three ways. One is by cuts, and there have already been substantial cuts. From the projected budgets back in 2010, there is something like three-quarters of a trillion dollars that has already been cut from defense and other areas of the Federal budget. We have to continue to look at that, and we have to look at all aspects of the Federal budget.

The second way is revenues. Nobody is supposed to talk about revenues around here, but the reality is that we are not paying our bills. To pat ourselves on the back for tax cuts when in

reality we are passing the expenses on to our children is just not honest.

When we pass tax cuts here in a deficit situation and borrow the money to fill the hole, we are not cutting taxes. We are shifting the tax to our children. I do not think that is honest. I do not think that is responsible. I do not think that is what we were sent here to do.

The third way, of course, to solve this budget problem is by economic growth. Some people say that the only way to grow the economy is to cut taxes. I have seen no economic study that says that works. Maybe it works if you are reducing taxes, as they did in 1960, from a 90-percent top marginal rate to now about 35 percent. Ok, I think that is significant. But to reduce that marginal rate by two or three points and say that it will stimulate a huge amount of economic activity—there is no economic justification for that.

The two single biggest economic development projects in the recent history of the United States were the GI bill after World War II and the interstate highway system. Both of them were investments, both of them cost money, and, by the way, our predecessors paid for them. They didn't pass the bill on to us. They paid for them.

So, yes, we need to control taxes. Yes, we need to think about strategic tax reductions in ways and areas that will actually help stimulate the economy. I don't understand how having some guy who is managing money in New York pay half the tax rate that his secretary makes is a stimulus to the economy. Yet that is what we are doing.

We have to look at this problem in a comprehensive way. We have to look at health care costs, we have to look at the effects of demographics on Federal expenditures over the next 20 to 30 years, and we have to look at investments that will help our economy grow.

The Presiding Officer and I work hard on this bill. I think it is an important bill for the future of this country. I think it is an important bill to protect the national security and to provide for the common defense, but I think we need to do it in an honest and open way and not try to fill a short-term budget gap with money our children and our grandchildren are going to have to repay. I believe we can do this. I believe we can face this responsibility because that is why we are here.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, someone already asked unanimous consent that U.S. Army MAJ Justin Gorkowski, who is a fellow in my Senate office, be granted floor privileges for this debate.

I just wanted to explain how pleased and lucky we have been to have the major with us to help with these

issues. He is a graduate of West Point. He currently serves as an information operations officer. He served as an adviser to the Iraq Army during the surge in 2006 and 2007 and returned from Afghanistan in January of last year, where he had been responsible for psychological operations, electronic warfare and military deception for Kandahar Province. He has been a great addition to our office during this debate, and in my view this debate is the most important debate we have.

The No. 1 priority for the Federal Government is to defend the country. We can spend all the time we want talking about all the other priorities and all the things we should be doing and whether there is some sudden mystical balance between all of those priorities and defending the country, but in most of our States, and certainly in the State of Missouri, the one thing you can get the least argument on as to what the Federal Government should do that we can't do for ourselves is defend the country. That is why for 54 years straight the Senate has passed a defense authorizing bill every year. There are very few things that get authorized every year, very few things that get debated every year, very few things that get looked at every year, but our national defense is one of those, and it is one of those for a reason.

We hear all kinds of reasons not to move forward with this bill, and then you hear: But I am for the bill. Well, that is because people understand that this is one of the things the Federal Government is supposed to do and in my view the top thing we can't in any way do for ourselves. Local government can't do this, State governments can't do this, individually we cannot do this, and that is why this debate is always so important and why the Armed Services Committee voted this out 22 to 4 after all kinds of discussions, such as, well, maybe the minority would not vote for this for the reasons we just heard. But at the end of the day, the vote was 22 to 4 out of the committee.

Chairman MCCAIN and Ranking Member REED have done a good job of bringing this bill to the floor with bipartisan support and looking for ways to reform defense so we really focus our defense where the defenders are rather than where the defenders are not.

This bill is focused on eliminating wasteful spending. It focuses on finding ways to reduce bureaucracy and streamline the critical military functions we have. It puts a focus on the fighting forces, not the bureaucratic forces in the defense structure.

The bill identifies \$10 billion in excessive and unnecessary spending and reallocates those funds to our true military capabilities. It also modernizes the military retirement system so that many more who served have a retirement benefit from serving. The current retirement system benefits less than 20 percent of those who served in the Armed Forces because the people

who benefit from the retirement program are people who serve 20 years and retire at that point. This bill would create a system where servicemembers and taxpayers join together to create a retirement benefit which estimates that 75 percent of the people who served in the military would leave with a retirement benefit rather than only 17, 18, 20 percent of the people who leave the military. It is a reform that really honors all of those who served in a good way and doesn't penalize anyone who served. It still allows people who have been serving under the old system to stay under the old system. Obviously, the longer you stay in that system, the better you are going to do. But the options now are basically no retirement benefit or a retirement benefit that comes with substantial service and only with that kind of service.

This bill creates retention bonuses to keep people in the military longer than 20 years. We have men and women retiring at the height of their capacity with technical skills that are not easily replaced. This bill recognizes that and looks for ways to encourage them to continue to serve.

Our State, the State of Missouri, has a real commitment to the military. More than 17,000 Active-Duty servicemembers serve in Missouri. We have important bases in our State. We have 8,000 civilian Department of Defense employees and more than 20,000 members of the Reserve and the National Guard.

This bill authorizes funding to build a Consolidated Stealth Operations and Nuclear Alert Facility at Whiteman Air Force Base. It preserves and prevents the retirement of the A-10 plane that has wide support in the Congress, but more importantly the A-10 has wide support from the ground forces it supports from the air. When you talk to people who serve on the ground, General Odierno and others, will say that in their view there is no plane that does what this plane does. Of course, those who fly it and support it are very important. Whiteman Air Force Base, again, has the 442nd Fighter Wing. It is an A-10 fighter wing which just returned from a deployment.

This bill also authorizes upgrades in our cargo aircraft, such as the C-130 aircraft, which will help the main force as well as the National Guard and Reserves.

In fact, Rosecrans Air National Guard Base in St. Joseph is a great training facility not only for our forces, but that base also serves as a training facility for our allies. At least 16 of our allies trained at this facility last year so they could figure out how to get supplies, how to get troops, and how to move things with those cargo planes in ways that they would not otherwise be able to do.

This bill also takes an important step in moving forward with the new bomber. There is money here that would continue to fund the new plan

for the idea out there for a long-range bomber. We have to have that. We have to have a precision bombing capability that is better than anybody else's. The planes we are using now have been the best planes in the world for a long time, but they will not be the best planes in the world forever, and it is time to begin to move forward, as we have been, toward that new plane. Those are all important projects. There are key initiatives here, such as promoting accountability and promoting the standards we need to have for performance in the military and how we reward those standards.

This bill maintains critical quality-of-life programs for men and women who serve and their families. This bill addresses the needs of our wounded, ill, and injured servicemembers.

This bill continues to provide critical assistance to our allies, particularly our ally Israel, where we have significant common research efforts. As we have all seen in recent years, the David's Sling and Iron Dome weapon systems are critical not only for Israel's security, but they have been a critical proving ground for the kind of response that was once looked at as some kind of unachievable "Star Wars" capacity. Both David's Sling and the Iron Dome have proved that capacity is, in fact, truly achievable, and we continue to move forward with that kind of defense system in this bill.

This also goes a long way toward combating threats of cyber space and cyber security by evaluating what those vulnerabilities are and dealing with those vulnerabilities.

I want to mention a few amendments I filed and intend to offer before we move on with this bill. I believe my amendments will strengthen the bill. First, I believe the military's mental health screening process can be improved. We learned a lot about mental health and behavioral health over the past 15 years. I believe we can continue to adapt and, frankly, last year's Defense authorization bill had important steps in this direction. I was able to get on the bill when I was a member of the committee last year—not just the defense appropriating committee I serve on now but the defense authorizing committee I served on then.

The amendments I will offer will improve the predeployment health assessment and postdeployment health reassessment by requiring that all servicemembers be screened and that they don't have to meet some criteria that every member of the service may not meet. While people are serving, it is important to establish the things that have happened to them, so if they need help years later, perhaps, and come back and ask for assistance in what truly was a post-traumatic event which was caused by their service but didn't show up for a number of years, having the incidents and things that might have affected their mental health is important.

The National Institutes of Health says that one in four adult Americans

has a diagnosable and almost always treatable behavioral health issue.

I asked the Surgeon Generals of the Armed Forces if that number applies to the Armed Forces, and without hesitation they said yes. They said: We recruit from the general population and there is no reason that number wouldn't apply to people serving us in uniform.

The key is diagnosable and treatable—diagnosable and treatable in a way that people aren't held back by their behavior health issues any more than they are held back by their physical health issues. They just need to be dealt with.

We will look at mild traumatic stress injury potential, post-traumatic stress injury potential, and look at the things that might affect somebody as they move forward from their time in the service. What happens in the service and what can happen years after really matters.

I think those amendments on mental health meet the evolving needs of servicemembers and hopefully the evolving needs of how we understand behavioral health as it relates to all other health.

I have another amendment that would not allow the Army to go below the currently authorized end strength level of 475,000 soldiers. There are threats around the world, and we need to increase our national security.

We heard General Odierno, Chief of Staff of the Army, testify earlier this year before the Defense Appropriations Subcommittee about the risk associated with going below 490,000 soldiers. This amendment would say you can't go below the 475,000 soldiers until the Secretary of Defense tells the Congress how he plans to reduce excess headquarters elements and excess administrative overhead.

Just this morning, I read an article from *military.com* discussing Navy Secretary Ray Mabus's recent comments about excessive bloat—his term—in the DOD headquarters functions.

The article states:

Secretary Mabus said Pentagon and Congressional budget cutters should look at eliminating extra bureaucracy before slashing funds for sailors and ships.

Mabus said 20 percent of the Pentagon budget is spent on what he called "pure overhead"—items not directly linked to readiness or ongoing operations.

He [Mabus] referred to this "overhead" as the fourth estate, specifying entities such as the office of the Secretary of Defense, defense agencies and organizations funded by the Under Secretaries of Defense.

Here is a direct quote from Secretary Mabus:

There are other places to look rather than taking tools from the warfighter. To the extent you can, protect the stuff that actually gets to the warfighter.

I think my amendment would ensure that the Secretary of Defense has to take that quote to heart.

The PRESIDING OFFICER. The Senate has an order for a vote at this hour.

Mr. BLUNT. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BLUNT. I wish to make one other comment on one other amendment I have that I will speak more about later in this debate. It involves a concern I have for Iran's growing influence in Iraq and the failure we have had in maintaining the commitment we made to those Camp Liberty residents whom we promised to protect. More than 100 residents have been killed at Camp Liberty.

I recognize the State Department's ongoing efforts, but they are not good enough. I believe the Secretary of Defense needs to certify to the defense committees that the central government of Iraq is taking appropriate and sufficient steps to ensure the safety and security of Iranian dissidents housed in Camp Liberty in Iraq.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1494

Mrs. SHAHEEN. Madam President, I ask unanimous consent to speak for 2 minutes on the pending amendment No. 1494.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, the Supreme Court has ruled it is unconstitutional to deny Federal benefits to legally married, same-sex couples and their children. Yet due to unrelated provisions of the Federal Code, State legislatures have the ability to indirectly deny Federal benefits to certain disabled veterans and their families solely because they are in a same-sex marriage. This is unjust and, according to the Supreme Court, it is unconstitutional.

This amendment we are about to vote on would end the current prohibition on benefits for gay and lesbian veterans and their families living in States that do not recognize same-sex marriage.

I wish to quote from testimony we heard from the VFW at a Senate Veterans' Affairs Committee hearing last month. The VFW said this, and I hope all of my colleagues will keep this in mind as we vote. "Simply put, if a veteran is legally married in a State that recognizes same-sex marriage, we"—the VFW—"believe the VA should provide benefits to his or her spouse or surviving spouse the same way it does for every other legally married veteran."

Many of us speak all the time about the need to honor the service of our veterans and to make sure they have access to the care they deserve. This amendment will right a wrong that so many of our veterans who have fought and volunteered deserve to have.

I hope our colleagues will support this amendment so we can ensure that those veterans are treated equally.

The PRESIDING OFFICER. Under the previous order, the question is on



agreeing to amendment No. 1494, offered by the Senator from New Hampshire, Mrs. SHAHEEN.

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Kansas (Mr. MORAN), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 203 Leg.]

#### YEAS—53

Ayotte	Gillibrand	Murray
Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Portman
Booker	Johnson	Reed
Brown	Kaine	Reid
Cantwell	King	Sanders
Capito	Kirk	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	McCaskill	Udall
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Flake	Murkowski	Wyden
Franken	Murphy	

#### NAYS—42

Alexander	Enzi	Perdue
Barrasso	Ernst	Risch
Blunt	Fischer	Roberts
Boozman	Gardner	Rounds
Burr	Grassley	Sasse
Cassidy	Hatch	Scott
Coats	Hoeven	Sessions
Cochran	Inhofe	Shelby
Corker	Isakson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Paul	Wicker

#### NOT VOTING—5

Boxer	Heller	Rubio
Graham	Moran	

The PRESIDING OFFICER (Mr. HOEVEN). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

#### AMENDMENT NO. 1506

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1506, offered by the Senator from North Carolina, Mr. TILLIS.

Mr. TILLIS. Mr. President, I want to thank Matt Donovan and Stephen Barney of Senator McCAIN's staff for their patience and assistance in drafting this amendment.

I also want to thank COL Anthony Lazarski of Senator INHOFE's staff and, of course my senior colleague from Oklahoma.

I say to the chairman and Senator REED, I have the privilege of representing America's Global Response Force, the XVIII ABN Corps and the 82nd ABN Division.

As Senator REED knows from his long service in the division, the 82nd is the most decorated combat unit in the Armed Forces—it is America's Guard of Honor.

GEN Colin Powell famously said, "There is nothing that gets a bad guy's attention quicker than knowing the 82nd ABN is flying straight for his nose."

But to put it bluntly, the Air Force wants to take the "air" out of "airborne."

In 2012 the Air Force decided to deactivate the Reserve Air Wing at Pope Army Airfield at Fort Bragg and eliminate onsite daily support for training for XVIII ABN Corps, 82nd ABN and USASOC.

The wing consists of 8–12 C-130Hs.

Last year this committee required the Air Force to produce a report on the C-130 fleet during which time the Air Force was required to maintain its wings at Pope and Little Rock for 1 year—the report came out in April, the committee expected it last December. The Congress was to be given time to respond.

Unfortunately, the Air Force began dismantling the Wing at Pope long before the report was produced and in direct opposition to this committee's instructions. When asked about this, the Air Force said, "Congress said nothing about us taking away pilots and maintainers, we are leaving the Aircraft."

The chairman's mark is full of behaviors like this: including Air Force refusal to heed the recommendations of the National Commission on the Air Force and the SECAF's refusal to cut the size of AF headquarters.

In my brief time in this body I have repeatedly asked the Air Force for documentation as to the impact on Airborne and Special Operations training the departure of dedicated Air Force Wings will have. I have been rebuffed by Pentagon leadership.

The Deputy Commander of the USAF Reserve said that planes at Pope were a "luxury". The Chief of Staff of the Air Force said that the Air Force needed to maintain C-130s at Minneapolis, Youngstown, and Pittsburgh for important missions. With all due respect is there any mission at Pittsburgh, Youngstown, and Minneapolis that is as important as supporting Airborne and Special Operations units.

In the last 3 months, the commanders of the XVIII ABN Corps and 82nd ABN have taken the extraordinary step of delivering public speeches noting that Airborne and Special Operations leadership were not consulted about the Air Force decision and that the loss of onsite planes will severely hamper their ability to train and meet requirements of emergency contingencies.

The Pope planes provide between 25 to 40 percent of all Airborne and SOF

daily training missions. Last year they dropped 50 percent of the 82nd ABN's chutes; 440 AW provides 100 percent of 18 ASOG, Air Force, training—Air Force Special Operations Group.

Even as a cost savings device, the transfer of 8 to 12 planes out of Pope makes no sense, as planes will have to be flown in—often on a voluntarily basis if they are Reserve units—from around the country and those units will have to go on TDY orders, etcetera. This also does not provide for the moving to the left effects of weather grounding planes that would have to fly into Pope from the rest of the country. As the XVIII ABN Corps Commander said, the downstream effects will be problematic.

This amendment is simple and it supports the C-130 Avionic Modernization Program that the Air Land Subcommittee validated yesterday by accepting the chairman's \$75 million mark and the Manchin amendment.

The Secretary of the Air Force shall, by September 30, 2017, station aircraft previously modified by the C-130 Avionics Modernization Program, AMP, in direct support of the daily training and contingency requirements of the Army Airborne and Special Operations units. The Secretary shall provide such personnel as required to maintain and operate such aircraft.

There are roughly 260 C-130Hs left—I believe the AF will try and retire up to 100, and it will hopefully replace 50 more with C-130J models—this leaves 100 C-130Hs that need AMP.

The AF spent \$2.3 billion on C-130H AMP, the program was on schedule and cost when the AF cancelled it, the design was validated by the JROC, Joint Requirements Oversight Council, and the program had begun Low Rate Initial Production, LRIP.

We currently have five C-130H AMP aircraft at Little Rock that will be flown to the bone yard at a loss of approx \$300 million, as well as four AMP kits that can be modified to fit any C-130H, three simulators and all software that will be thrown away.

We can have nine AMP C-130Hs plus simulators and software for \$75 million—this also adheres to the law Congress passed last year and was validated by the Manchin amendment yesterday.

The bottom line is, if the AF does not take this course, it will send the five C-130H AMP aircraft to the boneyard, wasting \$300 million, not to mention the simulators and software. Total amount spent for AMP was \$2.3 billion. Program was approved by JROC and was on schedule and cost when AF tried to cancel it. There are roughly 260 C-130Hs left—I believe the AF will try and retire up to 100, and it will hopefully replace 50 more with C-130J models—this leaves 100 C-130Hs that need AMP. Total cost to get nine aircraft, all simulators and software running again is approximately \$75M which was funded this year.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, very quickly, the Senator from North Carolina worked very hard to get legislative language in the bill which has a study of the sufficiency of the airlift requirements for the units stationed at Fort Bragg, NC. This legislation would take several aircraft that are at Little Rock and move them up to North Carolina. It would not effectively help the mobility of our forces. It would micro-manage the use of military aircraft. As such, I would ask that there be a “no” vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Kansas (Mr. MORAN), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “yea.”

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 44, as follows:

[Rollcall Vote No. 204 Leg.]

#### YEAS—48

Ayotte	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Grassley	Portman
Burr	Hatch	Risch
Cassidy	Hoeven	Roberts
Coats	Inhofe	Rounds
Cochran	Isakson	Sasse
Collins	Johnson	Scott
Corker	Kirk	Sessions
Cornyn	Lankford	Shelby
Crapo	Lee	Sullivan
Cruz	McCain	Thune
Daines	McCaskill	Tillis
Enzi	McConnell	Toomey
Ernst	Menendez	Vitter
Fischer	Murkowski	Wicker

#### NAYS—44

Baldwin	Franken	Nelson
Bennet	Gillibrand	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Reid
Boozman	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Capito	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Manchin	Udall
Casey	Markey	Warner
Coons	Merkley	Warren
Cotton	Mikulski	Whitehouse
Donnelly	Murphy	Wyden
Feinstein	Murray	

#### NOT VOTING—8

Alexander	Graham	Rubio
Boxer	Heller	Sanders
Durbin	Moran	

The amendment (No. 1506) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### CHANGE OF VOTE

Mr. COTTON. Mr. President, on rollcall vote No. 204 I voted yes. It was my intention to vote no. I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, on rollcall vote No. 204, I voted yes. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VOTE EXPLANATION

• Mr. DURBIN. Mr. President, I was necessarily absent for vote No. 204 on Tillis amendment No. 1506. Had I been in the Chamber I would have opposed this amendment. Section 136 of the underlying bill requires the Secretary of the Air Force in consultation with the Secretary of the Army to examine the daily training and contingency requirements of the C-130 fleet on this issue. •

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENTS NOS. 1618, 1539, 1551, 1571, 1484, AND 1511 TO AMENDMENT NO. 1463

Mr. MCCAIN. Mr. President, the ranking member and I have a small package of amendments that have been cleared by both sides.

I ask unanimous consent that the following amendments be called up, reported by number, and agreed to en bloc: Shaheen No. 1618; McCain, Blumenthal, and Flake No. 1539; Shaheen No. 1551; Warner No. 1571; Hoeven No. 1484; and Heller No. 1511.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments en bloc by number.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for others, proposes en bloc amendments numbered 1618, 1539, 1551, 1571, 1484, and 1511 to amendment No. 1463.

The amendments en bloc are as follows:

#### AMENDMENT NO. 1618

In the appropriate place please insert the following:

SENSE OF SENATE.—It is the sense of the Senate that—

(1) the accidental transfer of live *Bacillus anthracis*, also known as anthrax, from an Army laboratory to more than 28 laboratories located in at least 12 states and three countries discovered in May 2015 represents a serious safety lapse;

(2) the Department of Defense, in cooperation with the Centers for Disease Control and Prevention and the Federal Bureau of Investigation, should continue to investigate the cause of this lapse and determine if protective protocols should be strengthened;

(3) the Department of Defense should reassess standards on a regular basis to ensure

they are current and effective to prevent a reoccurrence; and

(4) the Department of Defense should keep Congress apprised of the investigation, any potential public health or safety risk, remedial actions taken and plans to regularly reassess standards.

#### AMENDMENT NO. 1539

(Purpose: To prohibit the Department of Defense from entering into contracts to facilitate payments for honoring members of the Armed Forces at sporting events)

Insert after section 342 the following:

**SEC. 342A. PROHIBITION ON CONTRACTS TO FACILITATE PAYMENTS FOR HONORING MEMBERS OF THE ARMED FORCES AT SPORTING EVENTS.**

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Army National Guard has paid professional sports organizations to honor members of the Armed Forces;

(2) any organization wishing to honor members of the Armed Forces should do so on a voluntary basis, and the Department of Defense should take action to ensure that no payments be made for such activities in the future; and

(3) any organization, including the National Football League, that has accepted taxpayer funds to honor members of the Armed Forces should consider directing an equivalent amount of funding in the form of a donation to a charitable organization that supports members of the Armed Forces, veterans, and their families.

(b) PROHIBITION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2241a the following new section:

**“§ 2241b. Prohibition on contracts providing payments for activities to honor members of the armed forces**

“(a) PROHIBITION.—The Department of Defense may not enter into any contract or other agreement under which payments are to be made in exchange for activities by the contractor intended to honor, or giving the appearance of honoring, members of the armed forces (whether members of the regular components or the reserve components) at any form of sporting event.

“(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed as prohibiting the Department from taking actions to facilitate activities intended to honor members of the armed forces at sporting events that are provided on a pro bono basis or otherwise funded with non-Federal funds if such activities are provided and received in accordance with applicable rules and regulations regarding the acceptance of gifts by the military departments, the armed forces, and members of the armed forces.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by inserting after the item relating to section 2241a the following new item:

**“2241b. Prohibition on contracts providing payments for activities to honor members of the armed forces at sporting events.”.**

#### AMENDMENT NO. 1551

(Purpose: To require a study and report on the changes to the Joint Travel Regulations related to flat rate per diem for long term temporary duty travel that took effect on November 1, 2014)

At the end of subtitle C of title VI, add the following:

**SEC. 622. STUDY AND REPORT ON POLICY CHANGES TO THE JOINT TRAVEL REGULATIONS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study on

the impact of the policy changes to the Joint Travel Regulations for the Uniformed Services Members and Department of Defense Civilian Employees related to flat rate per diem for long term temporary duty travel that took effect on November 1, 2014. The study shall assess the following:

(1) The impact of such changes on shipyard workers who travel on long-term temporary duty assignments.

(2) Whether such changes have discouraged employees of the Department of Defense, including civilian employees at shipyards and depots, from volunteering for important temporary duty travel assignments.

(b) **REPORT.**—Not later than June 1, 2016, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

#### AMENDMENT NO. 1571

(Purpose: To express the sense of Congress on diversity among members of the Armed Forces)

At the end of subtitle C of title V, add the following:

#### **SEC. 524. SENSE OF CONGRESS RECOGNIZING THE DIVERSITY OF THE MEMBERS OF THE ARMED FORCES.**

(a) **FINDINGS.**—Congress finds the following:

(1) The United States military includes individuals with a variety of national, ethnic, and cultural backgrounds that have roots all over the world.

(2) In addition to diverse backgrounds, members of the Armed Forces come from numerous religious traditions, including Christian, Hindu, Jewish, Muslim, Sikh, non-denominational, nonpracticing, and many more.

(3) Members of the Armed Forces from diverse backgrounds and religious traditions have lost their lives or been injured defending the national security of the United States.

(4) Diversity contributes to the strength of the Armed Forces, and service members from different backgrounds and religious traditions share the same goal of defending the United States.

(5) The unity of the Armed Forces reflects the strength in diversity that makes the United States a great Nation.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should—

(1) continue to recognize and promote diversity in the Armed Forces; and

(2) honor those from all diverse backgrounds and religious traditions who have made sacrifices in serving the United States through the Armed Forces.

#### AMENDMENT NO. 1484

(Purpose: To require a report on Air National Guard contributions to the RQ-4 Global Hawk mission)

In title XVI, after subtitle A, insert the following:

#### **Subtitle B—Defense Intelligence and Intelligence-related Activities**

#### **SEC. 1621. REPORT ON AIR NATIONAL GUARD CONTRIBUTIONS TO THE RQ-4 GLOBAL HAWK MISSION.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force, in coordination with the Chief of Staff of the Air Force and the Chief of the National Guard Bureau, shall submit to Congress a report on the feasibility of using the Air National Guard in association with the active duty Air Force to operate and maintain the RQ-4 Global Hawk.

(b) **CONTENTS.**—The report required by (a) shall include the following:

(1) An assessment of the costs, training requirements, and personnel required to create an association for the Global Hawk mission consisting of members of the Air Force serving on active duty and members of the Air National Guard.

(2) The capacity of the Air National Guard to support an association described in paragraph (1).

#### AMENDMENT NO. 1511

(Purpose: To require additional elements in the report on the plan on the privatization of the defense commissary system)

On page 265, strike line 15 and insert the following:

result of the implementation of the plan;

(C) an assessment whether the privatized defense commissary system under the plan can sustain the current savings to patrons of the defense commissary system;

(D) an assessment of the impact that privatization of the defense commissary system under the plan would have on all eligible beneficiaries;

(E) an assessment whether the privatized defense commissary system under the plan can sustain the continued operation of existing commissaries; and

(F) an assessment whether privatization of the defense commissary system is feasible for overseas commissaries.

The **PRESIDING OFFICER**. Under the previous order, the amendments Nos. 1618, 1539, 1551, 1571, 1484, and 1511 are agreed to en bloc.

#### AMENDMENT NO. 1543 TO AMENDMENT NO. 1463

Mr. **MCCAIN**. Mr. President, on behalf of Senator **PAUL**, I ask unanimous consent to set aside the pending amendment in order to call up amendment No. 1543.

The **PRESIDING OFFICER**. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. **MCCAIN**], for Mr. **PAUL**, proposes an amendment numbered 1543 to amendment No. 1463.

Mr. **MCCAIN**. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen employee cost savings suggestions programs within the Federal Government)

At the end of title XI, add the following:

#### **SEC. 1116. COST SAVINGS ENHANCEMENTS.**

(a) **IN GENERAL.**—Section 4512 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “or identification of surplus funds or unnecessary budget authority” after “mismanagement”;

(B) in paragraph (2), by inserting “or identification” after “disclosure”; and

(C) in the matter following paragraph (2), by inserting “or identification” after “disclosure”; and

(2) by adding at the end the following:

“(c) The Inspector General of an agency or other agency employee designated under subsection (b) shall refer to the Chief Financial Officer of the agency any potential surplus funds or unnecessary budget authority identified by an employee, along with any recommendations of the Inspector General or other agency employee.

“(d)(1) If the Chief Financial Officer of an agency determines that rescission of poten-

tial surplus funds or unnecessary budget authority identified by an employee would not hinder the effectiveness of the agency, except as provided in subsection (e), the head of the agency shall transfer the amount of the surplus funds or unnecessary budget authority from the applicable appropriations account to the general fund of the Treasury.

“(2) Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) shall not apply to transfers under paragraph (1).

“(3) Any amounts transferred under paragraph (1) shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).

“(e)(1) The head of an agency may retain not more than 10 percent of amounts to be transferred to the general fund of the Treasury under subsection (d).

“(2) Amounts retained by the head of an agency under paragraph (1) may be—

“(A) used for the purpose of paying a cash award under subsection (a) to 1 or more employees who identified the surplus funds or unnecessary budget authority; and

“(B) to the extent amounts remain after paying cash awards under subsection (a), transferred or reprogrammed for use by the agency, in accordance with any limitation on such a transfer or reprogramming under any other provision of law.

“(f)(1) The head of each agency shall submit to the Director of the Office of Personnel Management an annual report regarding—

“(A) each disclosure of possible fraud, waste, or mismanagement or identification of potentially surplus funds or unnecessary budget authority by an employee of the agency determined by the agency to have merit;

“(B) the total savings achieved through disclosures and identifications described in subparagraph (A); and

“(C) the number and amount of cash awards by the agency under subsection (a).

“(2)(A) The head of each agency shall include the information described in paragraph (1) in each budget request of the agency submitted to the Office of Management and Budget as part of the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

“(B) The Director of the Office of Personnel Management shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office an annual report on Federal cost saving and awards based on the reports submitted under subparagraph (A).

“(g) The Director of the Office of Personnel Management shall—

“(1) ensure that the cash award program of each agency complies with this section; and

“(2) submit to Congress an annual certification indicating whether the cash award program of each agency complies with this section.

“(h) Not later than 3 years after the date of enactment of this subsection, and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a report on the operation of the cost savings and awards program under this section, including any recommendations for legislative changes.”.

(b) **OFFICERS ELIGIBLE FOR CASH AWARDS.**—

(1) **IN GENERAL.**—Section 4509 of title 5, United States Code, is amended to read as follows:

**“§ 4509. Prohibition of cash award to certain officers**

“(a) DEFINITIONS.—In this section, the term ‘agency’—

“(1) has the meaning given that term under section 551(1); and

“(2) includes an entity described in section 4501(1).

“(b) PROHIBITION.—An officer may not receive a cash award under this subchapter if the officer—

“(1) serves in a position at level I of the Executive Schedule;

“(2) is the head of an agency; or

“(3) is a commissioner, board member, or other voting member of an independent establishment.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by striking the item relating to section 4509 and inserting the following:

“4509. Prohibition of cash award to certain officers.”.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1564 TO AMENDMENT NO. 1463

Mr. REED. Mr. President, I ask unanimous consent that the pending amendment be set aside, and on behalf of Mr. BLUMENTHAL, I call up amendment No. 1564.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island, [Mr. REED], for Mr. BLUMENTHAL, proposes an amendment numbered 1564 to amendment No. 1463.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase civil penalties for violations of the Servicemembers Civil Relief Act)

At the end of subtitle G of title X, add the following:

**SEC. 1085. INCREASE IN CIVIL PENALTIES FOR VIOLATION OF SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 801(b)(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended—

(1) in subparagraph (A), by striking “\$55,000” and inserting “\$110,000”; and

(2) in subparagraph (B), by striking “\$110,000” and inserting “\$220,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) that occur on or after such date.

Mr. REED. Mr. President, I also ask unanimous consent that this amendment be considered as if it were offered before Senator PAUL’s amendment to maintain an alternation between Democratic amendments and Republican amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1559 TO AMENDMENT NO. 1463

Mr. REED. Mr. President, I ask unanimous consent that the pending amend-

ment be set aside, and on behalf of Senator DURBIN I call up amendment No. 1559.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for Mr. DURBIN, proposes an amendment numbered 1559 to amendment No. 1463.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the award of Department of Defense contracts to inverted domestic corporations)

At the end of subtitle B of title VIII, add the following:

**SEC. 832. PROHIBITION ON AWARDING OF DEPARTMENT OF DEFENSE CONTRACTS TO INVERTED DOMESTIC CORPORATIONS.**

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2338. Prohibition on awarding contracts to inverted domestic corporations**

“(a) PROHIBITION.—

“(1) IN GENERAL.—The head of an agency may not award a contract for the procurement of property or services to—

“(A) any foreign incorporated entity that such head has determined is an inverted domestic corporation or any subsidiary of such entity; or

“(B) any joint venture if more than 10 percent of the joint venture (by vote or value) is owned by a foreign incorporated entity that such head has determined is an inverted domestic corporation or any subsidiary of such entity.

“(2) SUBCONTRACTS.—

“(A) IN GENERAL.—The head of an executive agency shall include in each contract for the procurement of property or services awarded by the executive agency with a value in excess of \$10,000,000, other than a contract for exclusively commercial items, a clause that prohibits the prime contractor on such contract from—

“(i) awarding a first-tier subcontract with a value greater than 10 percent of the total value of the prime contract to an entity or joint venture described in paragraph (1); or

“(ii) structuring subcontract tiers in a manner designed to avoid the limitation in paragraph (1) by enabling an entity or joint venture described in paragraph (1) to perform more than 10 percent of the total value of the prime contract as a lower-tier subcontractor.

“(B) PENALTIES.—The contract clause included in contracts pursuant to subparagraph (A) shall provide that, in the event that the prime contractor violates the contract clause—

“(i) the prime contract may be terminated for default; and

“(ii) the matter may be referred to the suspension or debarment official for the appropriate agency and may be a basis for suspension or debarment of the prime contractor.

“(b) INVERTED DOMESTIC CORPORATION.—

“(1) IN GENERAL.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes before, on, or after May 8, 2014, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation; or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership; and

“(B) after the acquisition, either—

“(i) more than 50 percent of the stock (by vote or value) of the entity is held—

“(I) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; or

“(II) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership; or

“(ii) the management and control of the expanded affiliated group which includes the entity occurs, directly or indirectly, primarily within the United States, as determined pursuant to regulations prescribed by the Secretary of the Treasury, and such expanded affiliated group has significant domestic business activities.

“(2) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—

“(A) IN GENERAL.—A foreign incorporated entity described in paragraph (1) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

“(B) SUBSTANTIAL BUSINESS ACTIVITIES.—The Secretary of the Treasury (or the Secretary’s delegate) shall establish regulations for determining whether an affiliated group has substantial business activities for purposes of subparagraph (A), except that such regulations may not treat any group as having substantial business activities if such group would not be considered to have substantial business activities under the regulations prescribed under section 7874 of the Internal Revenue Code of 1986, as in effect on May 8, 2014.

“(3) SIGNIFICANT DOMESTIC BUSINESS ACTIVITIES.—

“(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), an expanded affiliated group has significant domestic business activities if at least 25 percent of—

“(i) the employees of the group are based in the United States;

“(ii) the employee compensation incurred by the group is incurred with respect to employees based in the United States;

“(iii) the assets of the group are located in the United States; or

“(iv) the income of the group is derived in the United States.

“(B) DETERMINATION.—Determinations pursuant to subparagraph (A) shall be made in the same manner as such determinations are made for purposes of determining substantial business activities under regulations referred to in paragraph (2) as in effect on May 8, 2014, but applied by treating all references in such regulations to ‘foreign country’ and ‘relevant foreign country’ as references to ‘the United States’. The Secretary of the Treasury (or the Secretary’s delegate) may issue regulations decreasing the threshold percent in any of the tests under such regulations for determining if business activities constitute significant domestic business activities for purposes of this paragraph.

“(c) WAIVER.—

“(1) IN GENERAL.—The head of an agency may waive subsection (a) with respect to any

Federal Government contract under the authority of such head if the head determines that the waiver is required in the interest of national security or is necessary for the efficient or effective administration of Federal or Federally-funded programs that provide health benefits to individuals.

“(2) REPORT TO CONGRESS.—The head of an agency issuing a waiver under paragraph (1) shall, not later than 14 days after issuing such waiver, submit a written notification of the waiver to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

“(d) APPLICABILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any contract entered into before the date of the enactment of this section.

“(2) TASK AND DELIVERY ORDERS.—This section shall apply to any task or delivery order issued after the date of the enactment of this section pursuant to a contract entered into before, on, or after such date of enactment.

“(3) SCOPE.—This section applies only to contracts subject to regulation under the Federal Acquisition Regulation and the Defense Supplement to the Federal Acquisition Regulation.

“(e) DEFINITIONS AND SPECIAL RULES.—

“(1) DEFINITIONS.—In this section, the terms ‘expanded affiliated group’, ‘foreign incorporated entity’, ‘person’, ‘domestic’, and ‘foreign’ have the meaning given those terms in section 835(c) of the Homeland Security Act of 2002 (6 U.S.C. 395(c)).

“(2) SPECIAL RULES.—In applying subsection (b) of this section for purposes of subsection (a) of this section, the rules described under 835(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 395(c)(1)) shall apply.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2337 the following new item:

“2338. Prohibition on awarding contracts to inverted domestic corporations.”

(b) REGULATIONS REGARDING MANAGEMENT AND CONTROL.—

(1) IN GENERAL.—The Secretary of the Treasury (or the Secretary’s delegate) shall, for purposes of section 2338(b)(1)(B)(ii) of title 10, United States Code, as added by subsection (a), prescribe regulations for purposes of determining cases in which the management and control of an expanded affiliated group is to be treated as occurring, directly or indirectly, primarily within the United States. The regulations prescribed under the preceding sentence shall apply to periods after May 8, 2014.

(2) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—The regulations prescribed under paragraph (1) shall provide that the management and control of an expanded affiliated group shall be treated as occurring, directly or indirectly, primarily within the United States if substantially all of the executive officers and senior management of the expanded affiliated group who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the expanded affiliated group are based or primarily located within the United States. Individuals who in fact exercise such day-to-day responsibilities shall be treated as executive officers and senior management regardless of their title.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask that Senators wait to speak—which I will be asking to be in morning business in about 2 or 3 minutes—while we finish seeing if the modification that may be at the desk is approved. I ask for their patience for 2 or 3 minutes until we get this done.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1543, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following amendment, No. 1543, be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title XI, add the following:

#### SEC. 1116. COST SAVINGS ENHANCEMENTS.

(a) IN GENERAL.—Section 4512 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “or identification of surplus funds or unnecessary budget authority” after “mismanagement”; and

(B) in paragraph (2), by inserting “or identification” after “disclosure”; and

(C) in the matter following paragraph (2), by inserting “or identification” after “disclosure”; and

(2) by adding at the end the following:

“(c) The Inspector General of an agency or other agency employee designated under subsection (b) shall refer to the Chief Financial Officer of the agency any potential surplus funds or unnecessary budget authority identified by an employee, along with any recommendations of the Inspector General or other agency employee.

“(d)(1) If the Chief Financial Officer of an agency determines that rescission of potential surplus funds or unnecessary budget authority identified by an employee would not hinder the effectiveness of the agency, except as provided in subsection (e), the head of the agency shall transfer the amount of the surplus funds or unnecessary budget authority from the applicable appropriations account to the general fund of the Treasury.

“(2) Any amounts transferred under paragraph (1) shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).

“(e)(1) The head of an agency may retain not more than 10 percent of amounts to be transferred to the general fund of the Treasury under subsection (d).

“(2) Amounts retained by the head of an agency under paragraph (1) may be—

“(A) used for the purpose of paying a cash award under subsection (a) to 1 or more employees who identified the surplus funds or unnecessary budget authority; and

“(B) to the extent amounts remain after paying cash awards under subsection (a), transferred or reprogrammed for use by the agency, in accordance with any limitation on such a transfer or reprogramming under any other provision of law.

“(f)(1) The head of each agency shall submit to the Director of the Office of Personnel Management an annual report regarding—

“(A) each disclosure of possible fraud, waste, or mismanagement or identification of potentially surplus funds or unnecessary budget authority by an employee of the agency determined by the agency to have merit;

“(B) the total savings achieved through disclosures and identifications described in subparagraph (A); and

“(C) the number and amount of cash awards by the agency under subsection (a).

“(2)(A) The head of each agency shall include the information described in paragraph (1) in each budget request of the agency submitted to the Office of Management and Budget as part of the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

“(B) The Director of the Office of Personnel Management shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office an annual report on Federal cost saving and awards based on the reports submitted under subparagraph (A).

“(g) The Director of the Office of Personnel Management shall—

“(1) ensure that the cash award program of each agency complies with this section; and

“(2) submit to Congress an annual certification indicating whether the cash award program of each agency complies with this section.

“(h) Not later than 3 years after the date of enactment of this subsection, and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a report on the operation of the cost savings and awards program under this section, including any recommendations for legislative changes.”

(b) OFFICERS ELIGIBLE FOR CASH AWARDS.—

(1) IN GENERAL.—Section 4509 of title 5, United States Code, is amended to read as follows:

#### “§ 4509. Prohibition of cash award to certain officers

“(a) DEFINITIONS.—In this section, the term ‘agency’—

“(1) has the meaning given that term under section 551(1); and

“(2) includes an entity described in section 4501(1).

“(b) PROHIBITION.—An officer may not receive a cash award under this subchapter if the officer—

“(1) serves in a position at level I of the Executive Schedule;

“(2) is the head of an agency; or

“(3) is a commissioner, board member, or other voting member of an independent establishment.”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by striking the item relating to section 4509 and inserting the following:

“4509. Prohibition of cash award to certain officers.”

## MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

## CLEAN WATER ACT RULE

Mr. CASSIDY. Mr. President, I rise today to share my concerns regarding the administration's recently finalized Clean Water Act rule issued by the EPA and the Army Corps of Engineers to define waters of the United States.

The Clean Water Act clearly states it is the "policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution." Despite this partnership and the limits to Federal authority, the President and his administration, along with some lawmakers, have sought in recent years to clarify and extend the scope of Federal jurisdiction under the Clean Water Act in a manner that would expand the Federal Government's ability to regulate waters of the United States—in short, a Federal power grab. Changing the scope of the law, including the Clean Water Act, is solely the responsibility of Congress. Yet, the President's administration has again elected to bypass the legislative process by finalizing this rule.

When I am in Louisiana, I consistently hear from my constituents about the impacts this rule could have on private property development, timberland, farmland, and other bodies of water that would be subject to Federal control. They tell me this rule will create more uncertainty and impact infrastructure projects and jobs despite the EPA and the Corps' assurances to the contrary.

Louisiana is experiencing significant economic growth—growth that is bringing jobs to those Americans who have had the hardest time finding jobs with this recent poorly performing economy. This progress will be negatively affected as a result of this rule.

In addition to the increased costs and regulations, the rule invites costly litigation, and it can significantly restrict the ability of landowners to make decisions about their property and make it harder for State and local governments to plan for their own development.

Let me note that this is not the only rule the EPA has been working on that will negatively impact the economy and the job growth in my State. Their proposed rule to lower the standard for ground-level ozone will hurt job development in Louisiana, carrying with it health impacts to workers and families that are not fully considered by the EPA. It is clearly established that the higher the standard of living, the

healthier the family. These rules will lower the standard of living for those who lose their jobs.

In Calcasieu Parish, more than \$60 billion in various manufacturing projects are underway and are in the process of being approved—that is \$60 billion with a "b." These will require construction workers—again creating the kinds of jobs our economy needs more of. These projects can be severely impacted as a consequence of this rule.

We see in this graphic display the navigable waters prior to the release of the rule this past week in Calcasieu Parish. Now we will see the bodies that will fall under the jurisdiction of the Federal Government under the finalized rule. Again, this here is under current law. And that is what it will be. This will impact the ability of local government to plan their development.

Instead of people in Louisiana deciding how best to use their property, the Federal Government will be able to dictate many land use decisions, which have always been local. Again, this rule is a major takeover effort by the EPA and the Army Corps of Engineers. The administration has stated that this rule is narrowly defined. However, under the new definitions for tributaries, adjacent waters, and waters that are neighboring a traditional navigable water, virtually any water body could fall under the Agency's regulatory authority. And if certain bodies of water don't fit these definitions, the Agency can make a case-by-case determinations of significant nexus.

Assistant Secretary Jo-Ellen Darcy from the Army Corps said last week that this rule is a huge win for public health and the economy and reflects that clean water matters to the American people.

First, let me point back to this map that community leaders in Calcasieu Parish provided for me, highlighting that this is not a win for the economy and could significantly impact economic and private land development moving forward.

Secondly, as a physician—I am a doctor—I understand the importance of human health, and I also understand the impacts on human health as a consequence of overregulation by the Federal Government. If people are poor, their health suffers. There is a strong statistical relationship when, because of regulations and regulatory uncertainty, jobs are lost overseas. Again, I believe this revised rule is a power grab by the administration and not based upon any congressional action.

We took a vote on this issue back in March, during the budget debate, to limit the expansion of Federal jurisdiction under the Clean Water Act, which I supported. Last fall, we took a similar vote while I was in the House of Representatives to repeal this harmful regulation. My colleague from Wyoming, Senator JOHN BARRASSO, has a bill, the Federal Water Quality Protection Act. It is a good bill that provides clarity for how EPA should and should

not define the waters of the United States. I know the chairman of the Environment and Public Works Committee, Senator INHOFE of Oklahoma, intends to move this bill through his committee soon, and I wish to offer my support for that legislation.

Again, we have seen time and again that this administration will attempt to overreach the limits of what the executive branch should do. When it comes to the EPA's overreach, the waters of the United States rule isn't the exception; it is the norm.

I yield the floor.

## EXTENSION OF MORNING BUSINESS

Mr. CASSIDY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

## NATIONAL DEFENSE AUTHORIZATION ACT

Ms. STABENOW. Mr. President, I wish to speak about the bill that is before us and reauthorizing funding priorities for the Department of Defense.

I wish first to congratulate Chairman MCCAIN and Ranking Member JACK REED for working together on a very important bill. There are a lot of important issues and a lot of important priorities in this legislation for our home State in Michigan.

The fact that we are supporting the A-10s so our troops have the close air support they need is very important. It is important that we are continuing to invest in research and development and new kinds of technologies. We are very proud in Michigan to be the ones that are on the frontlines providing research and development for the Army. If the Army drives it, we design it, fix it, and build it in Warren, MI, and in the surrounding area of Macomb County that we call the Defense Corridor, and we are very proud of that. We have vital military equipment manufactured here in the United States, and in Michigan, specifically, that is supported in this legislation.

It provides very important pay increase and support for our troops that are actually critical.

My concern is not with the contents of what we are doing in this particular bill in terms of supporting the defense of our country and supporting our troops. It is the fact that we have budget gimmicks being used to fund the Department of Defense.

Our troops deserve more than budget gimmicks. Those on the frontlines deserve more than basically funding essential services or pay raises or essential equipment through funds that we know are sort of made-up funds—another name for deficit spending. This has been done over the years, as we